

AMENDMENT TO

HANOVER TOWNSHIP ORDINANCE ON BURNING

BE IT ENACTED and ORDAINED and it is hereby ENACTED and ORDAINED by the Board of Commissioners of the Township of Hanover, Luzerne County, Pennsylvania, as follows:

(1) No person shall cause, suffer or permit the open burning of any material in Hanover Township in such a manner that:

A. The emissions are visible, at any time, at the point such emissions pass outside the property of the person on whose land the open burning is being conducted;

B. Malodorous air contaminants from the open burning are detectable outside the property of the person on whose land the open burning is being conducted;

C. The emissions interfere with the reasonable enjoyment of life or property;

D. The emissions cause damage to vegetation or property; or

E. The emissions are or may be deleterious to human or animal health.

(2) EXCEPTIONS:

A. Burning related to the use of commercially designed, non-combustible equipment, commonly used in so called cook-outs.

B. Burning associated with the production of agriculture commodities.

C. Fires set to "prevent or abate fire hazards" when approved by the Fire and Health Departments.

D. Fires set "for the prevention and control of disease or pests" when approved by the Fire and Health Departments.

E. Fires set by the Commonwealth of Pennsylvania, when approved by the Fire and Health Departments.

F. Fires set for the instruction of fire fighting personnel.

G. The burning of clearing and grubbing waste in compliance with Title 25 Rules and Regulations Part 1, Department of Environmental Resources, Sub Part C, Chapter 129.14(d), as follows:

(i) As used in this subsection the following terms shall have the following meanings:

(a) Air Curtain Destructor - A mechanical device which forcefully projects a curtain of air across a pit in which open burning is being conducted so that combustion efficiency is increased and smoke and other particulate matter are contained.

(b) Clearing and Grubbing Wastes - Trees, shrubs, and other native vegetation which are cleared from land during or prior to the process of construction. The term does not include demolition wastes and dirt laden roots.

(c) Department - Department of Environmental Resources.

(ii) Clearing and grubbing wastes may be burned in any basin subject to the following requirements:

(a) Air curtain destructors shall be used when burning, clearing, and grubbing wastes.

(b) Each proposed use of air curtain destructors shall be reviewed and approved by the Department in writing with respect to equipment arrangement, design and existing environmental conditions prior to commencement of burning. Proposals approved need not obtain plan approval or operating permits under Chapter 127 of the Rules and Regulations of the Department of Environmental Resources (relating to sources).

(c) Approval for use of an air curtain destructor at one site may be granted for a specified period not to exceed three (3) months, but may be extended for additional limited periods upon further approval by the Department.

(d) The Department reserves the right to rescind approval granted if a determination by the Department indicates that an air pollution problem exists.

(iii) Notwithstanding anything herein to the contrary, clearing and grubbing wastes may be burned outside of any air basin, subject to the following limitation: upon receipt of a complaint or determination by the Department that an air pollution problem exists, the Department may order that the open burning cease or comply with prohibitions set forth herein.

H. Any fire set solely for ceremonial purposes when approved and supervised by the Fire Department.

(3) Violators of this Ordinance will be subject to the following:

(a) Any person as herein defined, except a department, board, bureau or agency of the Commonwealth, engaging in unlawful conduct as set forth in this act, shall, for each offense, upon conviction thereof in a summary proceeding before a district justice, magistrate, alderman or justice of the peace, be sentenced to pay the costs of prosecution and a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

(b) For the purpose of this section, violations on separate days shall be considered separate offenses. Where a person engages in continuing unlawful conduct, such person shall be guilty of separate offenses for each day such conduct continues up until the time of hearing or trial.

(4) SEVERABILITY.

The provisions of this Ordinance are hereby declared to be severable. In the event any of the within sections, clauses or sentences shall be held illegal, invalid or unconstitutional, such section, clause or sentence shall not affect or impair any of the other remaining provisions, which provisions shall continue in full force and effect.

(5) REPEALER.

All Ordinances, or parts of Ordinances, or amendments thereto, in conflict with the provisions of this Ordinance, are hereby repealed.

ENACTED and ORDAINED by the Board of Commissioners of the Township of Hanover this _____ day of June, 1990.

THE TOWNSHIP OF HANOVER

By: Chris Braden
President, Board of Commissioners

ATTEST:

Eileen Valued
Secretary