

**WEST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2020- 1

**AN ORDINANCE OF WEST HANOVER TOWNSHIP, DAUPHIN COUNTY, PENNSYLVANIA,
AMENDING THE WEST HANOVER TOWNSHIP OPEN BURNING ORDINANCE WITH
RESPECT TO THE DUTIES OF ADMINISTRATION AND ENFORCEMENT**

WHEREAS, on January 20, 1986 the Board of Supervisors enacted an Open Burning Ordinance as Chapter 7, Part 3, of the 1986 Code, that regulates uncontrolled and unrestricted outdoor burning within the Township (the "Open Burn Ordinance"); and

WHEREAS, the Open Burn Ordinance was subsequently amended by Ordinance No. 2013-02; and

WHEREAS, the Open Burn Ordinance requires residents to obtain a burn permit issued by the West Hanover Township Fire Marshal in order to kindle or maintain open fires on private property within the Township; and

WHEREAS, the Fire Marshal and Assistant Fire Marshal are empowered under the Open Burn Ordinance to enforce the provisions of said Ordinance; and

WHEREAS, the Township Board of Supervisors and Fire Marshal agree that the responsibilities for administering and enforcing the Open Burn Ordinance should be reallocated to ensure the proper and efficient administration and enforcement of said Ordinance; and

WHEREAS, the Board of Supervisors believes it is in the best interest of the Township and necessary to protect the public health, safety, and welfare of Township residents to authorize the West Hanover Township Code Enforcement Officer to administer and enforce the Open Burn Ordinance.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Board of Supervisors of West Hanover Township, Dauphin County, Pennsylvania, as follows:

SECTION 1. AMENDMENT TO THE OPEN BURN ORDINANCE.

The Open Burn Ordinance is hereby amended in the following respects (All references to section numbers are sections from the existing Open Burn Ordinance):

A. *Section 85-2 Definitions* is amended by deleting the entire definition of "Burn Permit" and replacing it with the following:

**WEST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

"Burn Permit – A permit to kindle or maintain such open fires or other fires. The permit shall be issued by the Code Enforcement Officer, Township Fire Marshal, or the Assistant Fire Marshal upon application thereof made to the Township. A burn permit is valid for a time period approved by the Code Enforcement Officer, Township Fire Marshal, or the Assistant Fire Marshal."

B. *Section 85-2 Definitions* is amended by deleting the entire definition of "Enforcement Officer" and replacing it with the following:

"Enforcement Officer – The Code Enforcement Officer of West Hanover Township, the Fire Marshal, and the Assistant Fire Marshal shall be designated enforcement officers as specified in this chapter."

C. *Section 85-4 Fires on Private Property Restricted* is amended by deleting the entire body of Section 85-4(A)(1) and replacing it with the following:

"All open fires in West Hanover Township require a burn permit issued by the Code Enforcement Officer of West Hanover Township."

D. *Section 85-4 Fires on Private Property Restricted* is amended by deleting the entire body of Section 85-4(B)(1) and replacing it with the following:

"Contained fires in West Hanover Township Zoning Districts R1, R2, R3, CH, IE, I, BE and NC shall require a burn permit issued by the Code Enforcement of West Hanover Township."

E. *Section 85-5 Permit Required; Application* is amended by deleting the entire body of Section 85-5 and replacing it with the following:

A. "Any person, firm, partnership or corporation shall apply to the Township for a burn permit to set, start or maintain a fire, except when a permit is not required per § 85-4(B)(2). The burn permit application must be completed and submitted to the Code Enforcement Officer, the Fire Marshal or the Assistant Fire Marshal for approval."

B. "The Code Enforcement Officer of West Hanover Township shall consider said application and shall notify the applicant within 15 days from the date of the submission of the application whether or not a permit will be granted and under what condition or conditions the permit will be subject. The Code Enforcement Officer may require as a condition that the applicant have any and all necessary personnel of the West Hanover Township Fire Company present during the commission of an open burning. In such cases, a condition of the issuance of the permit shall be that the applicant pay any reasonable fees for service by the West Hanover Township Fire Company."

C. *Section 85-8 Enforcement* is amended by deleting the entire body of Section 85-8 and replacing it with the following:

**WEST HANOVER TOWNSHIP
DAUPHIN COUNTY, PENNSYLVANIA**

"The Board of Supervisors hereby appoints the Township Code Enforcement Officer, as the official having the primary authority and power to enforce the provisions of this chapter, including, but not limited to, reviewing permit applications, issuing permits, enforcing violations of this Chapter. In the absence of the Code Enforcement Officer, the Fire Marshal or Assistant Fire Marshal shall have the authority to enforce the provisions of this chapter. Nothing in this Chapter shall be deemed to affect or alter the duties of the Fire Marshal or Assistant Fire Marshal under Chapter 22."

SECTION 2: SEVERABILITY.

If any provision, section, sentence, clause or portion of this ordinance shall be held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provision, section, sentence, clause or portion of this ordinance which shall continue and remain in full force and effect.

SECTION 3: REPEAL OF PRIOR INCONSISTENT ORDINANCES.

All prior ordinances or parts of ordinances inconsistent herewith are hereby repealed. Nothing herein shall be deemed to affect or alter the provisions of Chapter 22 of the Code of Ordinances.

SECTION 4: EFFECTIVE DATE.

This ordinance shall become effective in accordance with existing law.

DULY ENACTED AND ORDAINED this 18th day of February 2020 by the Board of Supervisors of West Hanover Township, Dauphin County, Pennsylvania, in lawful session duly assembled.

ATTEST:

WEST HANOVER TOWNSHIP
BOARD OF SUPERVISORS
DAUPHIN COUNTY, PENNSYLVANIA



Donald Steinmeier, Secretary/Treasurer



Stacey Connors, Chair

