

**TOWNSHIP OF HATFIELD
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 610

AN ORDINANCE OF THE TOWNSHIP OF HATFIELD, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE TOWNSHIP OF HATFIELD TO ADD A PROHIBITION AGAINST BURNING ANY RECYCLABLE MATERIALS AND TO REMOVE EXCEPTIONS TO THE BURNING RESTRICTIONS SET FORTH AT SECTION 238-6, THEREBY PROHIBITING THE BURNING OF YARD WASTE IN HATFIELD TOWNSHIP; REPEALING INCONSISTENT ORDINANCES; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Board of Commissioners of Hatfield Township, Montgomery County, Pennsylvania has enacted the Code of Ordinances of Hatfield Township which contains, *inter alia*, prohibitions on the burning of certain materials and provisions governing the burning of yard trimmings consisting of twigs and branches not larger than 1-1/2" in diameter; and

WHEREAS, the Pennsylvania Department of Environmental Protection (DEP) has taken the position that municipalities must prohibit the burning of recyclable materials; and

WHEREAS, DEP has taken the position that the burning of leaf waste (including leaves, garden residues, shrubbery, tree trimmings and similar material) is a form of disposal, and is not considered recycling or composting, and has requested that all municipalities ban the burning of leaf waste; and

WHEREAS, the Board of Commissioners desires to amend its current burning restrictions by prohibiting the burning of recyclable materials and by removing all provisions that presently allow for the burning of leaf waste; and

WHEREAS, this ordinance is enacted in the best interests of the health, safety and welfare of the residents of Hatfield Township and the general public;

NOW THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Commissioners of Hatfield Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. Section 238-6.A. ("Unlawful Acts") of the Code of the Township of Hatfield is hereby amended by adding a new subsection (5) as follows:

“(5) Recyclable materials.”

II. Section 238-6.B. ("Exceptions") of the Code of the Township of Hatfield is hereby deleted in its entirety, and marked "Intentionally Left Blank".

III. REPEALER

All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

IV. SAVINGS CLAUSE

Should any section or provision of this Ordinance be declared to be invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this Ordinance or the Code of the Township of Hatfield, which the Board of Commissioners hereby declares it would have intended to adopt regardless of the invalidity of any single part or provision of this Ordinance.

V. EFFECTIVE DATE

This Ordinance shall be effective immediately upon its legal enactment.

ENACTED and **ORDAINED** by the Board of Commissioners of Hatfield Township, this 29th day of September 2010.

**BOARD OF COMMISSIONERS OF
HATFIELD TOWNSHIP**

Scott Brown, President

ATTEST:

Andrew S. Haines, Manager