

ORDINANCE NO. 138**BENNER TOWNSHIP, CENTRE COUNTY, PENNSYLVANIA****AN ORDINANCE OF THE TOWNSHIP OF BENNER, CENTRE COUNTY,
PENNSYLVANIA, AMENDING THE PROVISIONS OF ORDINANCE NO.
57, REGARDING REGULATION OF OPEN BURNING**

WHEREAS, Benner Township is a second-class Township of the Commonwealth of Pennsylvania, and is governed by the Second-Class Township Code, Act of May 1, 1933, P.L. 103, as amended, 53 P.S. § 65101, et seq.; and

WHEREAS, Benner Township previously adopted Ordinance No. 57, on or about November 17, 1992, regulating open burning within the Township; and

WHEREAS, the Board of Supervisors has determined that it is in the best interest of the public health, safety, and welfare of the Township and its residents to amend Ordinance No. 57 as provided herein.

NOW, therefore, the Board of Supervisors of Benner Township, Centre County, Pennsylvania, hereby adopts the following ordinance:

Section 1: Title. This Ordinance shall be known and may be cited as the Benner Township Open Burning Ordinance Amendment of 2022.

Section 2: Legislative Findings. The Board of Supervisors has determined that it is in the best interest of the public health, safety, and welfare of the residents and visitors to Benner Township to provide for the amendments to Ordinance No. 57, as set forth herein.

Section 3: Action. The Board of Supervisors of Benner Township hereby authorizes that Ordinance No. 57 be amended, and it is hereby amended, to remove references and authorization for burning of vegetative matter within the Township. The specific revisions to Ordinance No. 57 are as follows:

- a. Section 4 is amended to remove the definition of "vegetative matter," from the list of definitions;
- b. Section 6, A. 1. is modified to remove the reference to "vegetation," from this section;
- c. Section 6, B is deleted from Ordinance No. 57, and the remaining subsections of Section 6 are relettered for consistency; and
- d. Section 8 of Ordinance No. 57 is amended to remove the reference to "vegetative matter," from this section.

Section 4: Notification. Within thirty (30) days after adoption of this Ordinance, the appropriate officials of Benner Township shall cause a copy of this Ordinance to be provided to

the Centre County Law Library or other office designated by the Centre County Commissioners for receipt of municipal ordinances.

Section 5. Severability. The provisions of this Ordinance are severable if any of its provisions are ruled by a court invalid or unconstitutional, such decision will not affect or impair any of the remaining provisions of this Ordinance. It is declared to be the intention of the Board of Supervisors that this Ordinance would have been adopted if such invalid or unconstitutional provision had not been included.

Section 6. Repealer. Any Ordinance, or part of an Ordinance, conflicting with the terms of this Ordinance is hereby repealed.

Section 7. Effective Date. This Ordinance shall become effective five (5) days after passage and shall thereafter be enforced.

ENACTED OR ORDAINED BY THE BOARD OF SUPERVISORS OF BENNER TOWNSHIP on the 7th day of November, 2022.

Board of Supervisors of Benner Township

By: [Signature]

By: Thomas Meyer

By: [Signature]

ATTEST:

[Signature]
Sharon Royer, Secretary

TOWNSHIP SEAL