

Chapter 87

OUTDOOR WOOD-FIRED BURNER/FURNACE ORDINANCE

- | | |
|---|---|
| § 87-1. Title. | § 87-9. Use of outdoor wood-fired burner/furnace. |
| § 87-2. Legislative intent. | § 87-10. Operation schedule. |
| § 87-3. Authority | § 87-11. Penalties. |
| § 87-4. Definitions and word usage. | § 87-12. Township exempt from liability. |
| § 87-5. Permit required. | § 87-13. Severability. |
| § 87-6. Existing outdoor wood-fired burner/furnace. | § 87-14 Repealer. |
| § 87-7. Installation of outdoor wood-fired burner/furnace | § 87-15. Effective date. |
| § 87-8. Replacements. | |

HISTORY: Adopted by the Board of Supervisors of the Township of Paradise 11/04/2009.

GENERAL REFERENCES

- Outdoor Burning** – see Chapter 50.
Building Code – see Chapter 44.
Zoning – see Chapter 160.
-

§ 87-1. Title.

This Chapter shall be known as the Paradise Township Outdoor Wood-Fired Burner/Furnace Ordinance.

§ 87-2. Legislative intent.

Although outdoor wood-fired burners/furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This Chapter is intended to ensure that outdoor wood-fired burners/furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of Paradise Township.

§ 87-3. Authority.

This Chapter and the objectives leading to its enactment are authorized by the general powers permitted by the Second Class Township Code Sections 1601 and 1529, (53 P.S. Section 66601) and (53 P.S. Section 66529 – Nuisances).

§ 87-4. Definitions and word usage.

Except as defined in this Code (see Chapter 1, General Provisions, Article II, Definitions), all words shall carry the customary meaning.

§ 87-5. Permit required.

Any person desiring to install an outdoor wood-fired burner/furnace within Paradise Township shall obtain a permit from both the Zoning Officer and the Building Code Official and shall pay a permit fee set by the Paradise Township Board of Supervisors by resolution.

§ 87-6. Existing outdoor wood-fired burners/furnaces.

Any outdoor wood-fired burners/furnaces in existence on the effective date of this Chapter shall be permitted to remain, provided that the owner registers the same with the Zoning Officer within one (1) year of the effective date of this Chapter.

§ 87-7. Installation of outdoor wood-fired burners/furnaces.

Any applicant desiring to install an outdoor wood-fired burner/furnace within the Township shall meet the following requirements:

- A. Present a plan showing all property lines, the locations, height, elevation and distances of all structures within a two hundred (200) ft. radius of the proposed location of the outdoor wood-fired burner/furnace.
- B. Locate the outdoor wood-fired burner/furnace at least two hundred (200) feet from any structure suitable for human occupancy not located on the lot on which the outdoor wood-fired burner/furnace will be located.
- C. Locate the outdoor wood-fired burner/furnace at least one hundred fifty (150) feet from all property lines.
- D. The stack for any outdoor wood-fired burner/furnace shall extend to a minimum height of two (2) feet above the height of the roof peak of the

structure that the outdoor wood-fired burner/furnace serves, or a minimum height of two (2) feet above the height of the roof peak of any other occupied structure on the same lot, whichever is greater.

- E. Present evidence that the applicant has obtained a Uniform Construction Code permit for the installation of the outdoor wood-fired burner/furnace and its connection to the mechanical system of the structure it will serve, if required.
- F. Provide a copy of the manufacturer's specifications and instructions, which the applicant agrees to comply with and not alter at any time.
- G. Demonstrate that the outdoor wood-fired burner/furnace is a Phase 2 outdoor wood-fired boiler.
- H. All outdoor wood-fired burners/furnaces shall be equipped with properly functioning spark arrestors.

The application shall be signed by all owners of the lot on which the outdoor wood-fired burner/furnace will be located and the contractor installing the wood-fired burner/furnace.

§ 87-8. Replacements.

If any outdoor wood-fired burner/furnace is replaced or upgraded, a permit shall be required pursuant to § 87-5 of this Chapter and shall comply with all sections of this Chapter.

§ 87-9. Use of outdoor wood-fired burner/furnace.

- A. The only substances that may be burned in an outdoor wood-fired burner/furnace are clean wood, wood pellets made from clean wood, and home heating oil, natural gas or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired burners.
- B. In no event shall any person burn any of the following in an outdoor wood-fired burner/furnace:
 - 1. Any wood that does not meet the definition of clean wood.
 - 2. Tires.
 - 3. Lawn clippings or yard waste.
 - 4. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - 5. Materials containing plastic.

6. Materials containing rubber.
 7. Waste petroleum products.
 8. Paint and paint thinners.
 9. Any type of paper/cardboard.
 10. Construction and demolition debris (such as shingles).
 11. Plywood or other composite wood products.
 12. Particleboard.
 13. Manure.
 14. Animal carcasses.
 15. Asphalt products.
 16. Used cooking oils.
- C. The outdoor wood-fired burner/furnace shall at all times be operated and maintained in accordance with the manufacturer's specifications.
- D. The outdoor wood-fired burner/furnace shall be maintained and operated in compliance with all emissions and air quality standards promulgated by the United States Environmental Protection Agency, the Pennsylvania Department of Environmental Protection or other relevant state or federal agency.
- E. Any ash or other by-products from the operation of the outdoor wood-fired burner/furnace shall be disposed of in accordance with all applicable laws.

§ 87-10. Operation schedule.

Outdoor wood-fired burners/furnaces shall be operated only between September 30 and May 1.

§ 87-11. Penalties.

Any person who shall violate any provision of this Chapter shall, upon conviction thereof in an action brought in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) plus costs. Each day that a violation of this Chapter continues or each Section of this Chapter which shall be found to have been violated shall constitute a separate offense.

§ 87-12. Township exempt from liability.

The Township, and its agents, officials and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by

reason of the issuance of any permit under the provisions of this Chapter, or by the reason of the conduct of any burning activity in compliance with the terms and provisions of this Chapter. The person or party responsible for any non-compliance shall bear sole liability for any damages caused as a result thereof.

§ 87-13. Severability.

The provisions of this Chapter are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this Chapter. It is hereby declared as the legislative intent that this Chapter would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

§ 87-14. Repealer.

All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

§ 87-15. Effective date.

This chapter shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of Paradise Township, Monroe County, Pennsylvania, this _____ day of _____, 2009.

**PARADISE TOWNSHIP BOARD
OF SUPERVISORS**

Dennis Keesler, Chairman

Reda Briglia, Supervisor, Secretary, Treasurer

ATTEST:

Louise Troutman, Vice-Chairman

Secretary
(TOWNSHIP SEAL)