

ORDINANCE NO. 2008- 6
OUTDOOR WOOD BURNING FURNACE

AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE TOWNSHIP WEST MAHANAY, SCHUYLKILL COUNTY, PENNSYLVANIA REGULATING THE USE OF EXTERNAL FUEL BURNING APPLIANCES AND EXTERNAL HEATING DEVICES. STATING THE PURPOSE AND SCOPE OF THE ORDINANCE; PROVIDING DEFINITIONS, SETTING FORTH GENERAL INSTALLATION ISSUES AND REQUIREMENTS FOR SUCH DEVICES; PROVIDING PENALTIES FOR VIOLATIONS; CONTAINING REPEALER PROVISIONS; CONTAINING A SAVINGS CLAUSE; FURTHER CONTAINING A GRANDFATHER CLAUSE, AND SETTING THE EFFECTIVE DATE OF ORDINANCE.

WHEREAS, the Board of Supervisors of the Township of West Mahanoy has the power to promote the public safety and regulate building and housing, pursuant to the provisions of the Second Class Township Code; and

WHEREAS, the Board of Supervisors of the Township of West Mahanoy has determined that regulations may be necessary for the health, safety, and general welfare, and the cleanliness, beauty, convenience, comfort, and safety of the residence of the township.

NOW, THEREFORE, it is hereby **ORDERED** and **ORDAINED** as follows:

SECTION I. PURPOSE AND SCOPE:

- A. The residences, industrial and commercial establishments that are situated within the Township of West Mahanoy are entitled to clear air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and the storage of combustible solid fuels in adjacent or exposed exterior areas within densely populated areas.
- B. These regulations shall provide for the installation of any exterior furnace or exterior burning devise, the primary purpose of which is to convert solid combustible fuel into a heat or energy source for interior spaces within the Township of West Mahanoy.
- C. Research indicates that outdoor fuel burning appliances cause emission problems that cross property lines because smoke stays close to the ground and it can easily reach humans working or playing outdoors or even penetrate neighboring buildings. It further causes problems with smoke visibility. The low lying smoke can worsen cardiovascular problems such as angina, irritate the eyes and lungs, trigger headaches, and worsen respiratory diseases such as asthma, emphysema, and bronchitis.

SECTION II. DEFINITIONS:

Outdoor Fuel Burning Appliance—any device including furnace, stove or boiler designed and constructed to burn solid fuels, including wood, coal, or other solid fuels manufactured for placement outdoors for the heating of the structure. Is designed, intended and/or used to provide heat and/or hot water to any associated structure. Is not located within the structure to be heated. Included, but not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves. An outdoor fuel burning appliance utilizing a heat pump or one which uses the following fuel sources: solar energy, electric, oil, propane, gas or natural gas will not be included in this definition and the same are exempt from the prohibitions provided for in this Ordinance but do require permitting for UCC rules and regulations.

Natural Wood—Wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Person—an individual, proprietorship, partnership, corporation, association, or other legal entity.

SECTION III. INSTALLATION ISSUES:

- A. Chimney height relative to nearest downwind neighbor,
 1. If located 50 feet or less to any residence not served by the furnace, it is recommended that the stack be at least 2 feet higher than the eave line of that residence.
 2. If located more than 50 feet but no more than 100 feet to any residence, it is recommended that the stack be at least 75% of the height of the eave line of that residence, plus an additional 2 feet.
 3. If located more than 100 feet but no more than 150 feet to any residence, it is recommended that the stack be at least 50% of the eave line of that residence, plus an additional 2 feet.
 4. If located more than 150 feet but no more than 200 feet to any residence, it is recommended that the stack be at least 25% of the height of the eave line of that residence, plus an additional 2 feet.
- B. No outdoor fuel burning appliance will be permitted to burn any materials other than those fuels approved by the manufacturer of the outdoor fuel burning appliance, and must be UCC approved.
- C. All indoor and outdoor fuel burning appliances installed after the effective date of this Ordinance shall be inspected by the Township Building Code Official for the purpose of issuing a permit and granting a zoning permit to operate said outdoor fuel burning appliance. Upon receipt of a permit and payment of the permit fee, and zoning permit and payment of the zoning permit in the amount applicable to both permits, the Board or its agent shall inspect the appliance to ensure the public's health, safety, and welfare. Any permits issued may be suspended by the agent, if necessary, to protect the public health, safety, and welfare of our residence.
- D. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this local law. In the event of a conflict, the requirements of this local law shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

- E. The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the appropriate authority of the Township of West Mahanoy to review prior to installation.

SECTION IV. FUEL TO BURN:

- A. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, or other listed fuels specifically permitted by the manufacturer's instructions.
- B. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:
 - 1. Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - 2. Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.
 - 3. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - 4. Rubber including tires or other synthetic rubber-like products.
 - 5. Newspaper, cardboard, or any paper with ink or dye products.
 - 6. Any other items not specifically allowed by the manufacturer or this provision.

SECTION V. ASHES AND WASTE:

Disposal of ashes or waste from the use of an external heating device or an existing external heating device shall be accomplished in accordance with all laws of the Commonwealth of Pennsylvania, all regulations of the Department of Environmental Protection and all other Departments of the Commonwealth of Pennsylvania, and all Ordinances of the Township West Mahanoy, Schuylkill County, Pennsylvania.

SECTION VI. PENALTIES:

- A. Enforcement of this Ordinance shall be by action brought before a District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. The municipal solicitor may assume charge of the prosecution without the consent of the District Attorney as required under Pa. R.Crim.Proc. 83(c).
- B. Any person, partnership, form or corporation which violates any of the provisions of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not less than two hundred (\$200.00) dollars, nor more than one thousand (\$1,000.00) dollars, and twenty-five (\$25.00) dollars per day until the situation is remedied.
- C. The Township of West Mahanoy shall also have the option of pursuing any unpaid fines and costs due the Township of West Mahanoy by a civil action. Any judgment rendered in favor of the Township of West Mahanoy into a lien consistent with all laws of the Commonwealth of Pennsylvania.

SECTION VII. REPEALER:

All Ordinances or parts of Ordinances which are inconsistent with this Ordinance are repealed to the extent necessary to give effect to the provisions of this Ordinance.

SECTION VIII. SAVINGS CLAUSE:

If any sentence, clause, part, or section of this Ordinance is found to be unconstitutional, illegal, or invalid, such unconstitutional, illegal or invalid sentence, clause, part or section shall not affect the validity of the remaining provisions of this Ordinance. It is hereby declared that it is the intent of the Board of Supervisors to have enacted this Ordinance as if such unconstitutional, illegal or invalid sentence, clause, part or sections were not included therein.

SECTION IX. GRANDFATHER CLAUSE:

This Ordinance shall not be construed to be retroactive and shall not require the removal of any outdoor fuel burning appliance in existence providing it passes safety inspection within the Township of West Mahanoy as of the effective date of this Ordinance. All outdoor fuel burning appliances in existence as of the effective date of this Ordinance shall have or must erect a flue or chimney which has a minimum height of fifteen (15) feet above the natural ground level upon which the appliance is located. All such existing systems may be replaced.

"Existing" or "in existence" means that the outdoor fuel burning appliance is operating, in-place, and on the site.

SECTION X. EFFECTIVE DATE:

This Ordinance shall become effective on the 26th day of October, 2008.

ORDAINED AND ENACTED into an Ordinance at a regular meeting of the Board of Supervisors of West Mahanoy Township, Schuylkill County, Pennsylvania, this 21st day of October, 2008.

**BOARD OF SUPERVISORS OF THE
TOWNSHIP OF WEST MAHANAY**

BY: Joseph Sweeney
Joseph Sweeney, Chairperson

BY: Paul Martin
Paul Martin, Vice Chairperson

ATTEST:

Michael Michalik
Michael Michalik
Secretary/Treasurer

BY: Christopher M. Malocu
Christopher M. Malocu, Supervisor