

ORDINANCE NO. 2008 - 3

AN ORDINANCE OF MONROE TOWNSHIP, SNYDER COUNTY, PENNSYLVANIA, TO PROTECT THE PUBLIC HEALTH, WELFARE AND SAFETY BY REGULATING THE INSTALLATION AND USE OF OUTDOOR FURNACES; PROVIDING FOR THE ENFORCEMENT OF SUCH REGULATIONS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OR FAILURE TO CONFORM TO SUCH REGULATIONS.

WHEREAS, research has shown that outdoor wood furnaces can cause emissions that due to their quantity, characteristic or duration are injurious to human, plant or animal life or to property and/or unreasonably interfere with the enjoyment of life or property and

WHEREAS, such emissions are against the health, welfare and safety of the residents of the township,

NOW, THEREFORE, pursuant to the authority of Sections 1517, 1527, and 1529, the Board of Supervisors of Monroe Township, Snyder County, Pennsylvania, hereby ordains and enacts as follows:

Section 1 APPLICABILITY

1.1 This Ordinance applies to all outdoor solid fuel burning furnaces, boilers, and appliances as herein defined within Monroe Township.

1.2 This Ordinance does not apply to the following:

- a. Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- b. Burning in a stove, furnace, fireplace or other heating device within a building or structure used for human habitation.
- c. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

Section 2 DEFINITIONS

2.1 Outdoor solid fuel burning furnace, appliance, or boiler: A fuel burning device that (1) is designed to burn wood or other approved solid fuels, (2) the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages) and (3) heats building spaces and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a

water/antifreeze mixture. May also be referred to as an outdoor wood furnace, outdoor wood boiler, outdoor wood-fired hydronic heater or outdoor furnace, which last term shall be used in this ordinance.

2.2 Chimney: Any vertical structure enclosing a flue or flues that carries off exhaust from an outdoor furnace firebox or burn chamber.

2.3 Existing outdoor furnace: An outdoor furnace that was purchased and installed prior to the effective date of this ordinance.

2.4 Natural wood: Wood that has not been painted, varnished or coated with a similar material nor has been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

2.5 New outdoor furnace: An outdoor furnace that is first installed subsequent to the effective date of this ordinance.

Section 3 GENERAL REGULATIONS FOR OUTDOOR FURNACES

3.1 No person shall, from the effective date of this ordinance, install, operate or maintain an outdoor furnace other than in strict compliance with the manufacturer's instructions and the applicable requirements of this ordinance. In the event of a conflict between these requirements and the manufacturer's instructions, the stricter requirements or instructions shall apply.

3.2 Not more than one year after the date that the United State Environmental Protection Agency (EPA) has promulgated new recommended or required emission standards, no outdoor furnace shall be operated that does not meet those standards.

3.3 Fuel burned in any outdoor furnace shall be only natural untreated wood, wood pellets, other solid fuels specified by the manufacturer or fuels such as fuel oil, natural gas or propane specifically permitted by the manufacturer as starter or supplemental fuels.

3.4 The following materials are strictly prohibited from being burned in outdoor furnaces:

- a. Wood that does not meet the definition of "natural wood"
- b. Rubbish or garbage, including but not limited to food wastes, food wraps and packaging
- c. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers
- d. Rubber including tires or other synthetic rubber-like products
- e. Newspaper, cardboard or any paper with ink or dye products
- f. Waste petroleum products

- g. Paints and paint thinners
- h. Construction and demolition debris
- i. Animal waste and carcasses
- j. Chemicals or materials containing heavy or toxic metals
- k. Any other items not specifically allowed by the manufacturer or this provision.

3.5 Months of operation: Outdoor furnaces shall not be operated from May 15 until September 30.

3.6 No outdoor furnace, whether new or existing, shall emit either a visible plume of smoke that crosses onto neighbors' land or buildings or malodorous air contaminants that are detectable on neighbors' properties for 12 minutes or more in any hour. Such emissions shall be considered a violation of this ordinance.

3.7 In the event that an outdoor furnace is damaged more than fifty percent (50%) or is physically deteriorated or decayed, the furnace must be removed within sixty (60) days of the date that notice is received from the Township.

Section 4 REGULATIONS FOR NEW OUTDOOR FURNACES

4.1 As of the effective date of this ordinance, no outdoor furnace shall be installed that does not meet the strictest emission standards for outdoor furnaces as currently recommended and promulgated by the EPA. For purposes of this ordinance, the strictest emission standards that are at any point in time being promulgated by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

4.2 No new outdoor furnace shall be located less than two hundred feet (200') from any lot line.

4.3 All new outdoor furnaces shall be laboratory tested and meet the appropriate safety standards, such as UL, CAN/CSA, ANSI, or other applicable safety standard, as verified in the manufacturer's specifications.

Section 5 SPECIFIC REGULATIONS FOR EXISTING OUTDOOR FURNACES

5.1 Furnaces that are installed at the time of the adoption of this Ordinance can continue to be operated and maintained so long as they are operated in accordance with the provisions of Section 3 of this Ordinance.

5.2 Within sixty (60) days of the adoption of this ordinance, no outdoor furnace shall

be operated unless a permit from the Township has been applied for and issued in accordance with the permit requirements contained in Section 5.

5.3 Not more than one year after the date of the adoption of this ordinance, no outdoor furnace shall be operated that does not meet the strictest emission standards that are at that time being promulgated by the EPA.

Section 6 PERMITS

6.1 No outdoor furnace shall be installed or operated before an application for a permit is submitted to and issued by the Township.

6.2 With the permit application the manufacturer's specifications and instructions shall also be submitted to the Township.

6.3 Failure to comply with the applicable provisions of this ordinance shall void the permit.

6.4 The fee for a permit shall be determined by resolution of the Board of Supervisors.

Section 7 LIABILITY

A person utilizing or maintaining an outdoor furnace shall be responsible for all fire suppression costs and any other liability resulting from damage cause by fire.

Section 8 ENFORCEMENT AND PENALTIES

8.1 The Township Zoning Officer or such other person appointed by the Board of Supervisors is authorized to enforce any provisions of this Ordinance.

8.2 In order to enforce this Ordinance, the Zoning Officer or other authorized agent of the Township has the right to enter upon any property to inspect for the purpose of ascertaining compliance with the provisions of this Ordinance. If access is denied, access shall be obtained pursuant to applicable laws of the Commonwealth of Pennsylvania and all costs of obtaining access shall be borne by the property owner.

8.3 In the event the Zoning or other such enforcement officer determines that there has been a violation of this ordinance, notice of such violation shall be sent to the owner of the property upon which the outdoor furnace is located. In the event the violation is not corrected within ten (10) days of the receipt of the notice or if a subsequent violation occurs, the owner of the property upon which the outdoor furnace is located shall bring the outdoor furnace into full compliance with this ordinance, including all setback requirements and emission standards. If the violation is still not

corrected or a subsequent violation occurs, the property owner shall be required to remove the furnace from the property or render it permanently inoperable within sixty (60) days of the date that notice is received from the Township.

8.4 Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall upon conviction thereof be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), and in default of payment of said fine, be subject to imprisonment for a term of not more than thirty (30) days. Each day that a violation of this Ordinance continues, shall be deemed to be, and shall constitute a separate offense hereunder.

Section 9 SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

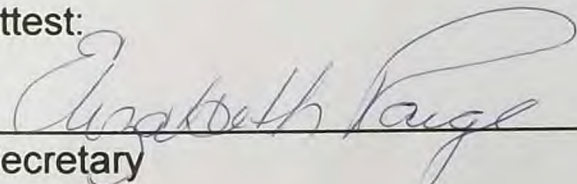
Section 10 EFFECTIVE DATE

This Ordinance shall be effective five (5) days after enactment.

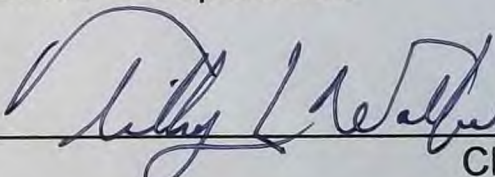
ENACTED AND ORDAINED AND ENACTED this 30 day of September, 2008.

Monroe Township
Board of Supervisors

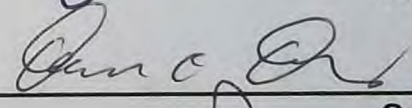
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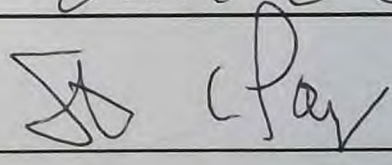
Secretary



Chairman



Supervisor

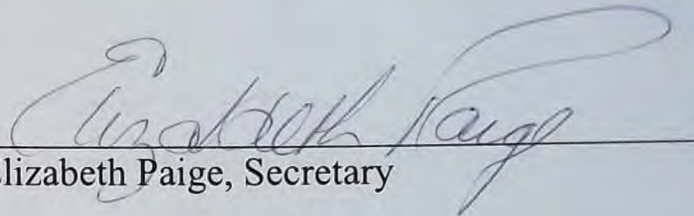


Supervisor



CERTIFICATION

I, Elizabeth Paige, Secretary for the Board of Supervisors of The Township of Monroe, Snyder County, Pennsylvania, hereby attest and certify that the foregoing is a true and correct copy of Township Ordinance 2008-3, which was duly enacted at the regular meeting of the Board of Supervisors of Monroe Township on September 30, 2008.


Elizabeth Paige, Secretary



Township
Seal