

PORTER TOWNSHIP
CLINTON COUNTY, PENNSYLVANIA

ORDINANCE NO. _____ - 2009

AN ORDINANCE AMENDING CHAPTER 10 OF THE PORTER TOWNSHIP CODE OF ORDINANCES GOVERNING HEALTH AND SAFETY TO ADD A PART 3 TO REGULATE OUTDOOR SOLID FUEL BURNING FURNACES.

WHEREAS, Chapter 10 of the Porter Township Code of Ordinances regulates health and safety matters within the Township of Porter; and

WHEREAS, the Supervisors of the Township of Porter recognize that the use of outdoor solid fuel burning furnaces may provide an economical alternative to conventional heating systems but concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and health effects of uncontrolled emissions; and

WHEREAS, the Supervisors of the Township of Porter desire to add a Part 3 to Chapter 10 of the Code of Ordinances of the Township of Porter to ensure that outdoor solid fuel burning furnaces are utilized in a manner that does not create a nuisance and are not, to the extent possible, detrimental to the health, safety and general welfare of the citizens of the Township.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, and it is hereby enacted and ordained by the Board of Supervisors of the Township of Porter, Clinton County, Pennsylvania, that Chapter 10 of the Code of Ordinances of the Township of Porter governing health and safety be amended to add the following Part 3:

PART 3.

Outdoor Solid Fuel Burning Furnaces

§301. Definitions.

“Lot Lines”: The lines bounding a lot or a designated parcel, tract or area of land established by a plat or otherwise.

“Chimney” Any vertical structure enclosing a flue or flues that carry-off smoke or exhaust from a solid fuel fired outdoor heating furnace.

“Outdoor Solid Fuel Burning Furnace: Any equipment, device or apparatus which is installed, affixed or situated outdoors, which is used for the primary purpose of combustion of solid fuel to produce heat or energy comprising a component of a heating system used to provide heat or hot water to the principal structure, a structure used for human or animal habitation, or to any accessory uses or structures, including, but not limited to, greenhouses and conservatories.

§302. Permit Required.

- 1) No person shall install, use, or maintain an outdoor solid fuel burning furnace within the Township of Porter without first having obtained a Permit from the Zoning Enforcement Officer. Application for such Permit shall be made to the Zoning Officer and any fees collected therewith shall be set by Resolution of the Township Supervisors.
- 2) Before a Permit may be issued hereunder, an inspection of the proposed installation shall be required. In addition, a Site Plan is

required showing the location of the proposed outdoor solid fuel burning furnace on the property, location and height of all existing structures on the property, and distances from the said furnace to existing structures on the property. The Manufacturers' specifications and instructions shall also be furnished to the Township Zoning Officer before a Permit may be issued.

- 3) A Permit will be issued only upon strict compliance with all requirements set forth in this Ordinance. Any violation of the requirements set forth in this Ordinance shall be deemed a violation which shall void the issued Permit.

§303. Regulations for Existing Outdoor Solid Fuel Burning Furnaces.

- 1) Any outdoor solid fuel burning furnace in existence on the effective date of this Ordinance shall be permitted to remain.
- 2) Any and all existing outdoor solid fuel burning furnaces shall be brought into full compliance with Sections 302(1) and (2) of this Ordinance within ninety (90) days from the effective date of this Ordinance.
- 3) Any and all existing outdoor solid fuel burning furnaces which do not comply with the provisions of this Ordinance shall be registered as a non-conforming use.

§304. Specific Regulations for Outdoor Solid Fuel Burning Furnaces.

Except as may otherwise be provided with respect to existing outdoor solid fuel burning furnaces, all outdoor solid fuel burning furnaces within the Township of Porter shall comply with the following Rules and Regulations:

1) Installation.

All outdoor solid fuel burning furnaces shall be installed, operated and maintained in strict compliance with the Manufacturers' instructions and guidelines for the said furnace. In the event that a conflict arises between the Manufacturers' instructions and regulations and the regulations set forth in this Ordinance, those instructions or regulations which are stricter shall apply.

2) Permitted Fuel.

Only firewood, corn, coal and untreated lumber are permitted to be burned in any outdoor solid fuel burning furnace. Burning of any and all other materials is strictly prohibited. No outdoor solid fuel burning furnace shall be utilized as a waste incinerator. Specifically prohibited from being burned are the following:

- (a) Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, demolition debris or other household or business waste;
- b) Waste oil or other oily wastes;
- c) Asphalt and products containing asphalt;
- d) Treated or painted wood, including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished or treated with preservatives;

- e) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene, or urethane foam, synthetic fabrics, films and containers;
- f) Rubber, including tires and synthetic rubber-like products; and
- g) Any material that is not recommended for burning by the Manufacturer of the furnace.

3) Setbacks.

All outdoor solid fuel burning furnaces located within any Zoning District shall be located with due consideration to the prevailing wind direction and shall be subject to the following:

- (a) All outdoor solid fuel burning furnaces shall be located not less than one hundred feet (100') from any residence not served by the furnace;
- (b) All outdoor solid fuel burning furnaces located within one hundred feet (100') to three hundred feet (300') of any residence not served by the furnace shall have a chimney height at least two feet (2') greater than the peak of that residence; and
- (c) All furnace exhausts shall have a spark-arrester.

4) Compliance with EPA Emissions Standards.

All outdoor solid fuel burning furnaces shall comply with the Emissions Standards as required and promulgated by the Environmental Protection Agency (EPA). For purposes of this Ordinance, all Emissions Standards currently required by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

5) Removal of Ash and Waste.

Smaller accumulations of ashes or waste may be disbursed on the property where the outdoor solid fuel burning furnace is located. Any large accumulation of ash or waste from the use of the outdoor solid fuel burning furnace shall be disposed of in a manner approved by the Township of Porter and/or the Pennsylvania Department of Environmental Protection.

6) Restricted Use.

All outdoor solid fuel burning furnaces shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a Permit issued hereunder, including residential swimming pools.

7) Damaged Outdoor Solid Fuel Burning Furnaces.

In the event that an outdoor solid fuel burning furnace is damaged more than fifty percent (50.00%) of its fair market value or is otherwise physically deteriorated or decayed, the said outdoor solid fuel burning furnace shall be removed and/or replaced with a new unit within sixty (60) days of the date of service of notice from the Township of Porter. In such event, compliance must be had with all provisions of this Ordinance, including, but not limited to, permitting procedures.

§305. Liability.

Any person utilizing or maintaining an outdoor solid fuel burning furnace shall be responsible for all fire suppression costs and any other liability resulting from damage caused by a fire from said furnace.

§306. Right of Entry and Inspection.

Any authorized Officer, Agent, Employee or Representative of the Porter Township Zoning and Code Offices, who presents credentials, is hereby authorized to inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance. If access is denied, access shall be

obtained pursuant to the applicable laws of the Commonwealth of Pennsylvania.

§307. Enforcement and Penalties for Violation.

- 1) The Zoning Officer and/or Code Officer of the Township of Porter is hereby authorized to enforce any provision of this Ordinance.
- 2) Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall, upon conviction thereof, before any District Justice, in a Summary proceeding, be sentenced to pay a fine or penalty of not more than One Thousand (\$1,000.00) Dollars plus costs and, in default of the payment of the fine and costs, the Defendant may be sentenced to the County Jail for a period not exceeding thirty (30) days. Each day upon which a violation continues or occurs shall constitute a separate offense.

§308. Ratification and Confirmation.

Chapter 10 of the Porter Township Code of Ordinances is hereby ratified and confirmed except insofar as the within Ordinance amends or modifies the same.

§309. Effective Date.

This Ordinance shall become effective in accordance with law.

§310. Saving Clause.

The provisions of the Porter Township Code of Ordinances, so far as they are the same as those Ordinances and Regulations enforced immediately prior to the adoption of this Ordinance, are intended as the continuation of such Ordinances and Regulations and not as a new enactment. The provisions of this Ordinance shall not affect any suit or prosecution pending or to be

instituted to enforce any of the prior Ordinances or Regulations except as otherwise provided by law.

§311. Severability.

It is hereby declared to be the intention of the Board of Supervisors that the parts, sections, paragraphs, sentences, clauses and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is declared unconstitutional, illegal or otherwise invalid by the Judgment or Decree of a Court of competent jurisdiction, that invalidity shall not affect any of the remaining parts, sections, paragraphs, sentences, clauses and/or phrases of this Ordinance.

DULY ENACTED AND ORDAINED, this ____ day of _____, 2009, by the board of Supervisors of Porter Township, Clinton County, Pennsylvania, in lawful session duly assembled.

ATTEST:

TOWNSHIP OF PORTER
CLINTON COUNTY,
PENNSYLVANIA

Secretary

BY: _____
Supervisor

BY _____
Supervisor

BY _____
Supervisor