

Ordinance # 5-2008 of 2008

Township of Schuylkill

AN ORDINANCE OF THE TOWNSHIP OF SCHUYLKILL, SCHUYLKILL COUNTY, PENNSYLVANIA, REGULATING THE USE OF EXTERNAL SOLID FUEL BURNING APPLIANCES AND EXTERNAL HEATING DEVICES; REGULATING THE INSTALLATION, THE USE, THE FUEL AND GENERAL REQUIREMENTS FOR SUCH DEVICES; ZONING AND THE ACREAGE REQUIRED FOR PERMITTED USE; THE COMPLIANCE OF EXISTING OUTDOOR SOLID FUEL BURNING FURNACES OR APPLIANCES; PRESCRIBING PENALTIES FOR VIOLATIONS; AND PROVIDING FOR A REPEALER, PROVISIONS REGARDING TO VALIDITY AND THE EFFECTIVE DATE OF THE ORDINANCE.

BE IT ENACTED AND ORDAINED BY THE Board of Supervisors of Schuylkill Township, Schuylkill County, Pennsylvania, and it is hereby enacted and ordained by authority of the same, as follows:

SECTION 1. TITLE AND SCOPE

- A. This Ordinance shall be known as the “EXTERNAL SOLID FUEL BURNING AND HEATING APPLIANCE ORDINANCE”.
- B. This Ordinance is to protect the public health, safety and welfare of township residents from unreasonable dust, noxious odors, fumes, smells and unhealthy conditions caused by emissions that cross property lines because smoke stays close to the ground and can easily reach humans working and playing outdoors and even penetrate neighboring buildings. The low-lying smoke can contribute to and worsen cardiovascular and respiratory diseases, and be an irritant to the eyes and lungs.

SECTION 2. APPLICABILITY

- A. This Ordinance shall apply to all new and existing Outdoor Solid Fuel Burning Furnaces within Schuylkill Township.
- B. This Ordinance does not apply to grilling, cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- C. This Ordinance does not apply to burning in a stove, furnace fireplace or other heating device within a building or structure used for human or animal habitation.
- D. This Ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3. DEFINITIONS

- A. “External Solid Fuel Burning and Heating Appliance” here after called “Appliance”, means any device including a furnace, stove or boiler designed and constructed to

burn solid fuels, including wood, coal, or other solid fuels and situated outdoors, and not situated within a building intended for habitation by humans or domestic animals, which is used for the primary purpose of combustion of solid fuel to produce heat for energy as a heating system, or component thereof, which provides heat or hot water to the principal structure, to a structure used for human or animal habitation, or to any accessory uses or structures, including, but not limited to, greenhouses, swimming pools, out buildings, etc.

- B. "Chimney" means any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating appliance. An outdoor appliance utilizing a heat pump or one of 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.
- C. "UCC" means the Pennsylvania Uniform Construction Code.
- D. "Manufacturer" means - ? (registered, belonging to some manufacturing association)

SECTION 4. PERMIT REQUIREMENTS AND PROCEDURES

- A. A zoning permit and a Uniform Construction Code (UCC) permit shall be required for the installation and operation of the Appliance within the Township of Schuylkill.
- B. A zoning permit application shall be submitted to the Township Zoning/Code Enforcement Officer by the owner or authorized representative of the owner on a form provided by the Township and shall be accompanied by a fee established by the Township.
- C. A UCC inspection permit shall be filled out by the owner or authorized representative of the owner on a form provided by the inspection company and shall be accompanied by the fees established by the inspection service which will perform the required inspections on the installation and operation of the Appliance.
- D. Before a permit can be issued, an inspection of the proposed installation shall be required. In addition, a site plan is required showing the location of the proposed Appliance on the property, location and height of all existing structures on the property, and distances from the 'appliance to existing structures on the property. The manufacturers specifications and instructions shall also be furnished to the Township before a permit can be issued.
- E. Any permit issued by the Township Zoning/Code Enforcement Officer for the installation and operation of the Appliance may be revoked to protect the public health, safety and welfare of the residents of the Township of Schuylkill.

SECTION 5. REGULATIONS

- A. Any Appliance shall only be permitted to burn fuels approved by the manufacturer of

the outdoor fuel-burning appliance.

- B. The following materials may not be burned in the Appliance:
- a. Rubbish or garbage including but not limited to food wasted, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, demolition debris or other household or business wastes.
 - 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, polystyrene or urethane foam.
 - f. Rubber including tires and synthetic rubber like products.
- C. The Appliance shall be permitted in any Zoning District on not less than five (5) acres and not less than two hundred (200) feet from any lot line.
- D. Any Appliance shall have a minimum chimney height of twenty (20) feet or the maximum height allowable by the manufacturer. If less than twenty (20) feet, you must provide the Township with documentation from the manufacturer confirming the restriction.
- E. All Appliances shall be installed, operated and maintained in strict compliance with the manufacturers instructions and guidelines for the said Appliance. In the event that a conflict arises between the manufacturer's instructions and regulations, and the regulations contained in this Ordinance, the stricter instructions or regulations shall apply.
- F. All Appliances shall comply with emissions standards as required for outdoor solid fuel burning appliances, as promulgated by the Environmental Protection Agency (EPA). For purposes of this Ordinance, all emission standards currently required by the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.
- G. All ashes or waste may be disbursed on the property where the Appliance is located. Any large accumulation of ashes or waste must be disposed of in a manner approved by the Township of Schuylkill and/or the Pennsylvania Department of Environmental Protection.
- H. All Appliances 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 here under, including

residential swimming pools.

- I. Outdoor solid fuel burning Appliances on lots less than ten (10) acres shall not be operated from May 15 to September 15. Any outdoor solid fuel burning Appliance on lots of ten (10) acres or more may be operated through out the calendar year.
- J. In the event the appliance is damaged or physically deteriorated more than fifty percent (50%), the appliance must be removed and/or replaced with a new unit within sixty (60) days of the date that notice is received from the Township of Schuylkill. In such event, all provisions of this Ordinance, including but not limited to the permitting procedures shall be complied with.

SECTION 6. REGULATIONS FOR EXISTING OUTDOOR SOLID FUEL BURNING APPLIANCES

- A. All owners/operators of existing outdoor solid fuel burning appliances shall apply for a permit for the appliance in accordance with the permit requirements contained in Section 4B within sixty (60) days of the adoption of this Ordinance.
- B. Any and all existing outdoor solid fuel burning appliances shall be brought into full compliance with Section 5,A,B,D,E,F,G,H,I,J within ninety (90) days from the effective date of this Ordinance.
- C. Any and all existing outdoor solid fuel burning appliances that do not comply with provision of this Ordinance other than Section 5 D,E,I, shall be registered as nonconforming appliance.

SECTION 7. LIABILITY

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

SECTION 8. RIGHT OF ENTRY AND INSPECTION

Any authorized officer, agent, employee or representative of the Township of Schuylkill may 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 applicable laws of the Commonwealth of Pennsylvania.

SECTION 9. ENFORCEMENT AND PENALTIES

- A. The Code Enforcement and Zoning Officer, authorized officer, agent, or representative of the Township of Schuylkill is authorized to enforce any provisions of this Ordinance.
- B. 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

Five Hundred (\$500.00) Dollars or less than Two Hundred (\$200.00) Dollars, and in default of payment of said fine, be subject to imprisonment for a term of not more than thirty (30) days. Every day that a violation of this Ordinance continues shall be deemed to be, and shall constitute a separate offense hereunder.

SECTION 10. 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 11. 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 the intent of the Board of Supervisors to have enacted this Ordinance if such unconstitutional, illegal or invalid sentence, clause, part or sections have not been included therein.

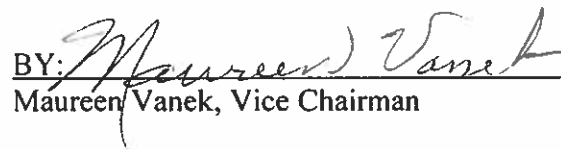
SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective upon enactment.

ORDAINED this 5th day of November, 2008.

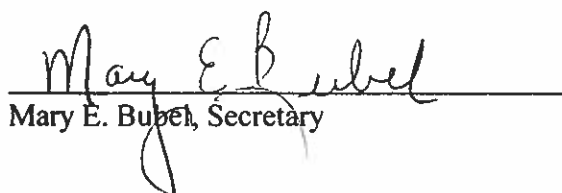
TOWNSHIP OF SCHUYLKILL

BY: 
Joseph Boran, Chairman

BY: 
Maureen Vanek, Vice Chairman

ATTEST:

BY: 
Linda Decindio, Supervisor


Mary E. Bubel, Secretary

PUBLIC NOTICE

Notice is hereby given that the Township of Schuylkill will conduct a public meeting on November 5, 2008, at 7:00 p.m. in the Schuylkill Township Municipal Building, P.O. Box 405, Mary-D, Pennsylvania.

The purpose of the public meeting is to discuss, inform and receive public comments on proposed Ordinances for the Township of Schuylkill. The proposed Ordinance of the Township of Schuylkill, Schuylkill County, Pennsylvania is summarized as follows:

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Complete copies of the proposed Ordinance is available for public inspection at the Township Municipal Building located at P.O. Box 405, Mary-D, Pennsylvania, The Schuylkill County Law Library, 4th Floor, 401 North 2nd Street, Pottsville, Pennsylvania and The Times News, Tamaqua Office, Broad and Pine Streets, Tamaqua, Pennsylvania.

MICHAEL S. GREEK, ESQUIRE
SOLICITOR
TOWNSHIP OF SCHUYLKILL
42 East Patterson Street
P.O. Box 19
Lansford, PA 18232

SECTION 12. EFFECTIVE DATE

This Ordinance shall become effective upon enactment.

ORDAINED this 5th day of November, 2008.

TOWNSHIP OF SCHUYLKILL

BY: Joseph Boran
Joseph Boran, Chairman

BY: Maureen Vanek
Maureen Vanek, Vice Chairman

ATTEST:

BY: Linda Decadio
Linda Decadio, Supervisor

Mary E. Bubel
Mary E. Bubel, Secretary

