

ORDINANCE NUMBER 468

An Ordinance of the Borough of Forest City, Susquehanna County, Commonwealth of Pennsylvania, an Ordinance Defining "Outdoor Fuel Burning Appliances"; Regulating These Appliances and the Required Conditions of Maintenance and Operation; Establishing the Penalties for Violations of the Ordinance; Establishing a Right of Ordinance Severability and Setting Forth an Ordinance Date of Effect

WHEREAS, Under Section 53 PS. 46202 (6) Health and Cleanliness Regulations... The Borough is empowered to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough.

Be It Ordained and Enacted by the Borough of Forest City, Susquehanna County, Commonwealth of Pennsylvania, and it is hereby ordained and enacted by the authority of the same that the Borough of Forest City hereby authorizes the following:

Section 1. Purpose and Scope

A. Residences, commercial and industrial establishments situated within the Borough are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within densely populated area.

B. Research indicates that outdoor fuel burning appliances cause emission problems that cross property lines because the smoke stays close to the ground it can easily reach humans working or playing outdoors or penetrates neighboring buildings. It also causes problems with smoke visibility. The low lying smoke can worsen cardiovascular problems such as angina, irritate eyes and lungs, trigger headaches, worsen respiratory diseases such as asthma, emphysema and bronchitis.

Section 2. Definitions

Outdoor fuel burning appliance - a device including any furnace, stove or boiler designed and constructed to burn oil, wood, coal or other fuels manufactured for placement outdoors for the heating of the living area of a structure.

Chimney - any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating device, especially that part of such structures extending above a roof.

Section 3. Regulations for New Outdoor Fuel Burning Appliances

A. Any new outdoor fuel burning appliance must have or meet the following:

1. A safe flue or chimney which has a minimum termination height of twenty (20) feet above the natural ground level upon which the appliance is located.

2. A "scrubber" or filter type system attached to the appliance.

3. A fan or blower attached to the appliance to increase the efficiency of the appliance.

4. Be located not less than one hundred (100') feet from any property line.

B. All outdoor fuel burning appliances are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them.

C. All outdoor fuel burning appliances shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

D. The owner of the outdoor fuel burning appliance shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Ordinance.

E. No homemade outdoor fuel burning appliances will be allowed.

F. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. The burning in outside furnaces of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing permitted by the manufacturer is prohibited.

G. A permit must be acquired prior to the installation of any outdoor furnace appliance, and an inspection completed prior to the operation of subject appliance. The permit fee is \$75, and the inspection will be completed by a representative of Code Inspections, Inc.

H. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with your trash.

I. All outdoor fuel burning appliances may only be utilized for the sole purpose of furnishing heat to a residence and hot water during the period of October 1 through April 30; and only if the outdoor fuel burning appliance meets the requirements of this Ordinance.

J. If an outdoor fuel burning appliance is more than fifty (50%) percent torn down, physically deteriorated or decayed, the appliance must be removed and/or replaced with a new unit.

K. All storage of materials being burnt in the outdoor fuel burning appliance shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc) or any type of disease carrying rodents.

Section 4. Regulations for Existing Outdoor Fuel Burning Appliances

A. All outdoor fuel burning appliances are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.

B. All outdoor fuel burning appliances shall be operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

C. All outdoor fuel burning appliances in existence at the effective date of this Ordinance shall have or must erect a safe flue or chimney which have a

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J. All storage of materials being burnt in the outdoor fuel burning appliance shall be neatly stacked and/or stored under cover and free from insects (termites, ants, etc.) or any type of disease carrying rodents.

Section 5. Enforcement.

It shall be the duty of the Borough Police Department, Code Enforcement Officer and/or Code Inspections, Inc. to enforce the terms of this Ordinance and secure compliance with the requirements thereof.

Section 6. Penalties.

Any person, firm or corporation who shall violate any provision of this Ordinance, shall upon conviction thereof be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars. Every day that a violation of this Ordinance continues, shall constitute a separate offense.

Section 7. Severability.

If any sentence, clause, section or part of this Ordinance is for any reason be found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of the Ordinance.

minimum termination height of twenty (20) feet) above the natural ground level upon which the appliance is located.

D. All outdoor fuel burning appliances in existence at the effective date of this Ordinance shall have or must install a "scrubber" or filter type system attached to the appliance.

E. All outdoor fuel burning appliances in existence at the effective date of this Ordinance shall have or must install fan or blower to increase the efficiency of the appliance.

F. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. The burning in outside furnaces of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing permitted by the manufacturer is prohibited.

G. All outdoor fuel burning appliances may only be utilized for the sole purpose of furnishing heat to a residence and hot water during the period of October 1 through April 30; and only if the outdoor fuel burning appliance meets the requirements of this Ordinance.

H. If an outdoor fuel burning appliance is more than fifty (50%) percent torn down, physically deteriorated or decayed, the appliance must be removed and/or replaced with a new unit and the new unit must comply with all of the regulations listed in Section 3. of this Ordinance.

It is hereby declared as the intent of the Borough of Forest City that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 8. Effective Date.


This Ordinance shall take effect on the date of enactment.

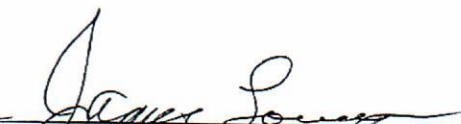
Exceptions:

For Borough residents who have existing outdoor fuel burning appliances in place that do not conform to Section 4. G., that portion of this Ordinance will take effect 30 days after enactment.

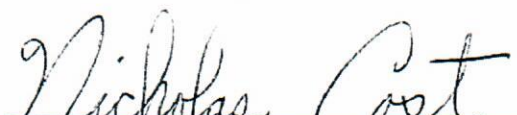
For Borough residents who have existing outdoor fuel burning appliances in place that do not conform to Section 4. C., D. and E., those portions of this Ordinance will take effect 60 days after enactment.

ORDAINED AND ENACTED this 3rd day of December, 2007.


Forest City Borough Secretary


Forest City Borough Council President

The foregoing Ordinance is approved on the 3rd day of December, 2007.


Forest City Borough Mayor