

JACKSON TOWNSHIP
MONROE COUNTY, PENNSYLVANIA

ORDINANCE NO. 2008-103

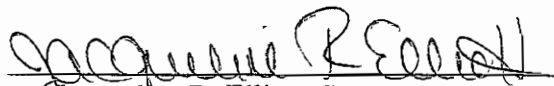
IN RE:

AN ORDINANCE OF THE TOWNSHIP OF
JACKSON, COUNTY OF MONROE, AND
COMMONWEALTH OF PENNSYLVANIA,
PROVIDING REGULATIONS GOVERNING
OUTDOOR WOOD-FIRED BURNERS.

CERTIFICATION

I hereby certify that the attached Ordinance is a true and correct copy of the Ordinance enacted by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, on the 9th day of October, 2008.

(TOWNSHIP SEAL)


Jacqueline R. Elliott, Secretary
Jackson Township Supervisors
P.O. Box 213
Reeders, PA 18352

**JACKSON TOWNSHIP
MONROE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2008-103

**AN ORDINANCE OF THE TOWNSHIP OF JACKSON, COUNTY OF MONROE, AND
COMMONWEALTH OF PENNSYLVANIA, PROVIDING REGULATIONS
GOVERNING OUTDOOR WOOD-FIRED BURNERS/FURNACES.**

BE IT ORDAINED AND ENACTED by the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, pursuant to the Second Class Township Code (53 P.S. § 65101—General Powers and 53 P.S. § 66529—Nuisances), the following:

SECTION 1. – TITLE.

This ordinance shall be known and may be cited as the “Jackson Township Outdoor Wood-Fired Burners/Furnaces Ordinance.”

SECTION 2. – LEGISLATIVE INTENT.

Although outdoor wood-fired burners/furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This ordinance is intended to ensure that outdoor wood-fired burners/furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety and general welfare of the residents of Jackson Township.

SECTION 3. – DEFINITIONS AND WORD USAGE.

In this ordinance the following terms shall have the following meanings:

CLEAN WOOD – wood that does not have paint, stains, or other types of coatings, and wood that has not been treated with substances, including but not limited to, copper arsenate, creosote, or pentachlorophenol, and wood pellets made from clean wood.

CODE ENFORCEMENT OFFICER - The Zoning Officer or other person appointed by the Board of Supervisors of Jackson Township to administer and enforce this ordinance whose duties shall include responding to resident questions and complaints and performing other tasks as the Board of Supervisors may assign.

EXISTING OUTDOOR WOOD-FIRED BURNER/FURNACE – An Outdoor Wood-Fired Burner/Furnace that was purchased and installed prior to the effective date of this

ordinance.

OUTDOOR WOOD-FIRED BURNER/FURNACE – a fuel burning device designed to (1) burn wood or other manufacturer-approved fuel products (i.e., corn and coal); (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

PERSON - Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

STACK or CHIMNEY – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating device or structure, including that part of the structure extending above a roof.

TOWNSHIP – Jackson Township, Monroe County, Pennsylvania.

SECTION 4. – PERMIT REQUIRED.

Any person desiring to install an outdoor wood-fired burner/furnace within Jackson Township shall obtain a permit for the Code Enforcement Officer and shall pay a permit fee set by the Board of Supervisors by resolution.

SECTION 5. – SUSPENSION OF PERMIT.

A permit issued pursuant to this ordinance may be suspended as the Code Enforcement Officer may determine to be necessary to protect the public health, safety and welfare of the residents of Jackson Township if any of the following conditions occur:

A. Malodorous air contaminants from the outdoor wood-fired burner/furnace are detectable outside the property of the person on whose land the outdoor wood-fired burner/furnace is located;

B. The emissions from the outdoor wood-fired burner/furnace interfere with the reasonable enjoyment of life on the neighboring property;

C. The emissions from the outdoor wood-fired burner/furnace cause damage to vegetation on neighboring property;

D. The emissions from the outdoor wood-fired burner/furnace are or may be harmful to human or animal health; or

E. The burning of any material referenced in Section 9.2 of this ordinance.

A suspended permit may be reinstated once the condition that resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition that has previously resulted in suspension of a permit shall be considered a violation of this ordinance subject to the penalties provided in this ordinance.

SECTION 6. – EXISTING OUTDOOR WOOD-FIRED BURNERS/FURNACES.

Any outdoor wood-fired burners/furnaces in existence on the effective date of this ordinance shall be permitted to remain, provided that the owner applies for and receives a permit from the Code Enforcement Office within one (1) year of the effective date of this ordinance. If the owner of an existing outdoor wood-fired burners/furnace does not receive a permit within one (1) year of the effective date of this ordinance, the outdoor wood-fired burner/furnace shall be removed and any reinstallation shall be subject to the regulations provided for in this ordinance.

SECTION 7. – INSTALLATION OF OUTDOOR WOOD-FIRED BURNERS.

Any person desiring to install an outdoor wood-fired burner/furnace within the Township shall obtain a permit from the Code Enforcement Officer. The applicant for such a permit shall satisfy the following requirements:

1. Present a plan showing all property lines, the locations of all dwellings or occupied buildings on adjoining properties, and the proposed location of the outdoor wood-fired burner.
2. Locate the outdoor wood-fired burner at least 200 feet any occupied structure not located on the lot on which the outdoor wood-fired burner will be located.
3. Locate the outdoor wood-fired burner at least 175 feet from all property lines.
4. The outdoor wood-fired burner/furnace shall have a stack or chimney that extends to a minimum height of the residential structure roof peak of which the outdoor wood-fired burner/furnace is servicing plus two (2) feet. If there are any residential structures within 200 feet, the stack or chimney shall extend at least as high above the ground surface as the height of the roof peaks of all such residences plus two (2) feet. The maximum height of the outdoor wood-fired burner/furnace stack or chimney shall not exceed fifty (50) feet and shall not exceed the maximum height requirement in the zoning district in which it is located.

5. Provide a copy of the manufacturer's specification and instructions, which applicant agrees to comply with and not alter at any time. Where the manufacturer's specifications and instructions conflict with the terms of this ordinance, the more restrictive shall apply.

6. Provide proof that the outdoor wood fire burner has been laboratory tested and listed to appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute) standards.

7. All outdoor wood-fired burners/furnaces shall be equipped with properly functioning spark arrestors.

The application shall be signed by all owners of the lot on which the outdoor wood-fired burner/furnace will be located and the contractor installing the outdoor wood-fired burner/furnace.

SECTION 8. – REPLACEMENTS.

If an outdoor wood-fired burner/furnace is replaced or upgraded, a permit shall be required pursuant to section 4 of this ordinance and shall comply with all section of this ordinance.

SECTION 9. – USE OF OUTDOOR WOOD-FIRED BURNERS.

1. The only substance that may be burned in an Outdoor Wood-Fired Burner is clean wood (see definition, section 3 of this ordinance).

2. No person shall burn any of the following in an outdoor wood-fired burner:

- A. Any wood that does not meet the definition of clean wood.
- B. Tires.
- C. Lawn clippings or yard waste.
- D. Rubbish or garbage, including but not limited to food wastes, food packaging or food wraps.
- E. Materials containing plastic.
- F. Materials containing rubber.
- G. Waste petroleum products.
- H. Paints and paint thinners.
- I. Any type of paper/cardboard.
- J. Construction and demolition debris.
- K. Plywood or other composite wood products.
- L. Particleboard.
- M. Manure.
- N. Animal carcasses.

- O. Asphalt products.
- P. Used cooking oils.

3. The outdoor wood-fired burner/furnace shall at all times be operated and maintained in accordance with manufacturer's specifications.

4. The outdoor wood-fired burner/furnace shall be maintained and operated in compliance with all emissions of air quality standards promulgated by the U.S. Environmental Protection Administration, the Pennsylvania Department of Environmental Protection or other relevant state or federal agency.

5. Any ash or other by products of the operation of the wood-fired burner shall be disposed of in accordance with any applicable law.

SECTION 10. – OPERATION SCHEDULE.

Outdoor wood-fired burners/furnaces shall be operated only between October 1st and May 31st, except that any outdoor wood-fired burners/furnaces located at least 1,000 feet from the nearest occupied structure may be operated throughout the calendar year.

SECTION 11. – ENFORCEMENT AND PENALTIES.

11.1 Enforcement Officer

The Board of Supervisors shall appoint an individual, agency or firm to serve as the Enforcement Officer who shall be responsible for enforcing the terms of this ordinance.

11.2 Duties of Enforcement Officer

- A. Inspection – The Enforcement Officer, and any other individual representing the Township whose presence is necessary to complete the inspection, may inspect any premises, building or structure in accordance with Section 11.3 of this ordinance to determine whether or not a violation of this ordinance exists.
- B. Action – Whenever the Enforcement Officer determines that a violation of this ordinance exists, he or she shall issue a non-traffic citation in accordance with the requirements of the Pennsylvania Second Class Township Code.

11.3 Inspections; Permission

The Enforcement Officer, and any other agent so authorized by the Board of Supervisors, may inspect any premises to determine whether any violations of this ordinance exist.

Prior to entering upon any property to conduct an inspection, the Enforcement Officer shall obtain the permission of the owner or occupant of the property to conduct the inspection. If, after due diligence, the Enforcement Officer is unable to obtain such permission, he or she shall obtain an administrative search warrant from a court of competent jurisdiction. If such court grants the search warrant, the property owner shall reimburse the Township for any costs, including reasonable attorney's fees, incurred in connection with obtaining the warrant.

11.4 Emergency Cases

Whenever the Enforcement Officer determines that an emergency exists that requires immediate action to protect the public health, safety or welfare, he or she may, without conducting an inspection of the premises, issue a non-traffic citation or seek other relief in a court of appropriate jurisdiction.

11.5 Remedies and Penalties

Any person who has violated or permitted the violation of any provision of this ordinance shall, upon conviction thereof in an action brought in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) plus costs. Each day that a violation of this ordinance continues or each section of this ordinance which shall be found to have been violated shall constitute a separate offense. All judgments, costs, interest and reasonable attorney's fees collected for a violation of this ordinance shall be paid to the Township and deposited into the general fund.

In addition to the fines, judgments, costs and other remedies set forth herein, the Township reserves the right to pursue all other available remedies at law or in equity under the laws of the Commonwealth of Pennsylvania.

SECTION 12. – TOWNSHIP EXEMPT FROM LIABILITY.

The Township, and its agents, officials and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this ordinance. The person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

SECTION 13. – SEVERABILITY. -

The provisions of this ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity of any of the remaining provisions of this ordinance. It is hereby declared as the legislative intent that this ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

SECTION 14. – REPEALER. -

All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

SECTION 15. – EFFECTIVE DATE. -

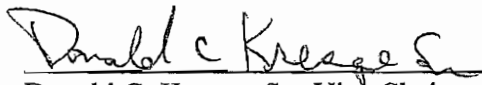
This ordinance shall take effect five (5) days after the date of its enactment.

ORDAINED AND ENACTED into an ordinance at a regular meeting of the Board of Supervisors of Jackson Township, Monroe County, Pennsylvania, this 9th day of October, 2008.

**BOARD OF SUPERVISORS OF
JACKSON TOWNSHIP**



Jack Rader, Jr., Chairman




Donald C. Kresge, Sr., Vice Chairman



David B. Thomas, Supervisor

ATTEST:


Secretary

(TOWNSHIP SEAL)