

**VALLEY TOWNSHIP
MONTOUR COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

**AN ORDINANCE OF VALLEY TOWNSHIP, MONTOUR COUNTY,
PENNSYLVANIA REGULATING THE INSTALLATION, OPERA-
TION, OR USE OF OUTDOOR FUEL BURNING APPLIANCES
WITHIN THE TOWNSHIP AND PROVIDING PENALTIES FOR
VIOLATIONS HEREOF.**

WHEREAS, the Board of Supervisors of Valley Township has the power to promote the public health and safety and, specifically, the power to regulate the emission of smoke from chimneys, smokestacks and other sources, pursuant to applicable provisions of the Second Class Township Code; and

WHEREAS, the Board of Supervisors has determined that regulating the use of outdoor fuel burning appliances will promote the public health, safety, cleanliness, comfort and general welfare of the residents of the Township.

NOW, THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of Valley Township, Montour County, Pennsylvania as follows:

Section 1. Purpose and Scope.

A. The purpose of this Ordinance is to promote the public health and safety by restricting operation and use of outdoor fuel burning appliances to those areas of the Township where the effects from the smoke and fumes emanating from such devices will be mitigated by the distance from surrounding residences and other occupied properties.

B. These regulations shall be applicable to the installation, operation and use within the Township of any outdoor fuel burning appliance, the primary purpose of which is to convert solid combustible fuel into a heat or energy source for interior spaces or accessory uses.

C. Research indicates that outdoor fuel burning appliances cause emission problems that cross property lines because smoke stays close to the ground and can easily reach humans working or playing outdoors and penetrate neighboring buildings. Low lying smoke may also cause problems with visibility and may pose a health hazard by causing irritation of the eyes and lungs, causing headaches, and aggravating respiratory diseases such as asthma, emphysema, and bronchitis.

Section 2. Definitions.

A. Chimney. Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor fuel burning appliance, especially that part of such structure extending above a roof.

B. Outdoor Fuel Burning Appliance. Any equipment, device or apparatus, including a furnace, stove or boiler, which is installed, affixed or situated outdoors and which is designed and constructed to burn solid fuels, including wood, coal or other solid fuels, for the purpose of heating a building or structure used for human or animal habitation or any accessory use or structure such as a greenhouse or swimming pool. Other outdoor heating devices which do not involve the combustion of solid fuels, such as heat

pumps, solar energy devices, or other heating devices utilizing electricity, oil, propane or natural gas as fuels, are not considered “outdoor fuel burning appliances” for purposes of this Ordinance and are, therefore, exempt from regulation hereunder.

Section 3. Regulations For Existing Outdoor Fuel Burning Appliances.

A. All owners/operators of outdoor fuel burning appliances existing within the Township on the effective date of this Ordinance shall apply for a permit for such appliance in accordance with the requirements of Section 4 hereof within sixty (60) of the effective date hereof.

B. Any and all outdoor fuel burning appliances existing within the Township on the effective date of this Ordinance shall be brought into compliance with the requirements of Section 5 hereof within ninety (90) days of the effective date hereof.

Section 4. Permits For Outdoor Fuel Burning Appliances.

A. No person shall install, maintain or operate any outdoor fuel burning appliance within Valley Township without first obtaining a permit issued by the Township.

B. In order to obtain a permit, the property owner shall be required to submit an application and a site plan showing the proposed location of the appliance on the property, the location and height of all existing structures on the property, and the distances from the proposed location of the appliance to the existing structures and to the boundary lines of the property. A copy of the manufacturer’s specifications and instructions for the appliance shall also be submitted with the permit application.

C. The permit application shall be accompanied by the permit fee established by the Board of Supervisors by resolution from time to time.

D. If the information submitted with the permit application appears to conform to the requirements of this Ordinance, the manufacturer's specifications and instructions, and the applicable emissions standards adopted herein, a permit authorizing installation of the appliance shall be issued to the property owner.

E. Following installation of the appliance, and prior to any regular operation thereof, the property owner shall promptly contact the Township and schedule a site inspection of the appliance as installed in order to verify compliance with the aforementioned requirements.

F. Upon verification of the satisfactory installation of the appliance, a permit authorizing operation of the appliance shall be issued to the property owner by the Township.

Section 5. Operation of Outdoor Fuel Burning Appliances.

A. Appliances shall be installed and operated only in the R-1 Residential District, A-R Agricultural Rural District, and O-S Open Space District as established and depicted in the Official Zoning Map of Valley Township, the provisions of which are incorporated herein by reference.

B. Appliances shall be used to burn only those fuels recommended by the manufacturer thereof and shall be specifically prohibited from burning the following materials: rubbish or garbage including, but not limited to, food waste or packaging materials, paint or painted materials, furniture, paper, or other household or business waste; waste oil, asphalt products, shingles, or other materials containing petroleum products; treated or painted wood including, but not limited to, plywood, composite wood products, or wood or wood products treated with preservatives; any plastic, polystyrene, foam, or other synthetic materials; any rubber or synthetic rubber products including tires.

C. No appliance shall be installed or operated within less than two hundred feet (200') from any boundary line.

D. Any appliance shall have a minimum chimney height of twenty feet (20') measured from grade level at the base of the appliance to the exhaust opening on the chimney.

E. All appliances shall comply with the emissions standards for outdoor solid fuel burning appliances as promulgated by the U. S. Environmental Protection Agency (EPA) and such standards, together with any amendments or modifications thereof, are hereby adopted by reference.

F. All appliances shall be installed, operated and maintained in strict compliance with the manufacturer's instructions for the appliance. In the event of a conflict between

the manufacturer's instructions and the regulations contained herein, the more strict instruction or regulation shall apply.

G. All ashes and waste produced by the appliance shall be disposed of in a manner consistent with the requirements of the Pennsylvania Department of Environmental Protection (DEP).

H. All appliances shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure used for human or animal habitation or to a permitted accessory use or structure.

Section 6. Liability.

Any person operating or maintaining an outdoor fuel burning appliance shall be responsible for all fire suppression costs and any other liability resulting from damage caused by a fire originating in such appliance.

Section 7. Right of Entry and Inspection.

Any authorized officer, employee, or agent of the Valley Township Zoning and Codes Office shall be permitted to inspect any property on which an outdoor fuel burning appliance is located for the purpose of ascertaining compliance with the provisions of this Ordinance.

Section 8. Enforcement and Penalties.

Any person, corporation, partnership, or other legal entity which violates any of the provisions of this Ordinance shall be subject to summary prosecution before a

Magisterial District Judge and, upon conviction, shall be subject to payment of a fine of not less than \$300.00 nor more than \$1,000.00 and, in default of payment of such fine, to undergo imprisonment in the Montour County Prison for a period not exceeding ninety (90) days. Each and every day on which a violation of this Ordinance occurs or continues shall constitute a separate offense hereunder.

Section 9. Repealer.

All ordinances or parts thereof which are inconsistent with this Ordinance are hereby repealed to the extent necessary to give full effect to the provisions of this Ordinance.

Section 10. Effective Date.

This Ordinance shall become effective immediately upon its lawful enactment as indicated hereafter.

ENACTED and ORDAINED this _____ day of _____, 2008.

ATTEST:

VALLEY TOWNSHIP

Judy Achy, Secretary

BY: _____
Gary L. Derr, Chairman of the
Board of Supervisors