

Chapter 201

OUTDOOR FURNACES

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[HISTORY: Adopted by the Borough Council of the Borough of Beech Creek 7-5-2011 by Ord. No. 2011-1. Amendments noted where applicable.]

§ 201-1. Purpose.

- A. It is the purpose of this chapter to establish and impose regulations upon the construction, operation, and maintenance of outdoor furnaces within the limits of the Borough of Beech Creek, thereby promoting the health, safety and welfare of the Borough and its residents through the regulations of outdoor furnaces.
- B. Property owners and residents of the Borough are entitled to clean air and environmental circumstances free of unreasonable particulate matter, 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 area within densely populated areas.
- C. Outdoor fuel applications cause emission problems that cross property lines, and because the smoke stays close to the ground it can easily reach humans working or playing outdoors and penetrate neighboring buildings. Smoke from outdoor furnaces can contribute to the cause of, or worsen existing cardiovascular and respiratory ailments.
- D. This chapter is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and to limit the effects of the same on the health, safety and welfare of the residents of the Borough of Beech Creek.

§ 201-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

EPA — The United State Environmental Protection Agency.

FRONT YARD — A yard extending along the full width of a front lot line and back to the required building line. On corner and through lots, front yards shall be provided along all street frontages.

OUTDOOR FURNACE — Any equipment, device, apparatus or structure, or any part thereof, located outside living space ordinarily used for human habitation, and designed to provide heat, via water or other means, to spaces or appliances in any structure.

REAR YARD — The required open space extending from the rear of the main building to the rear lot line across the entire width of the lot. On corner lots, one yard shall be designated a rear yard.

SIDE YARD — The required open space between the side (face) of any building and the side lot line, extending from the front yard to the rear yard. Any lot line not deemed a front lot line or a rear lot line shall be deemed as a side lot line. On corner lots, one yard shall be designated a side yard.

STRUCTURE — Anything constructed or erected on the ground or attached to the ground including, but not limited to, buildings, sheds, manufactured homes and swimming pools.

§ 201-3. Regulations.

- A. Outdoor furnaces shall not be placed less than 150 feet from the nearest point of intersection of any adjacent property owner's structure.
- B. Outdoor furnaces shall not be placed less than 100 feet from the nearest point of intersection of the property line of another property owner.
- C. All outdoor furnaces are required to meet emission standards currently required by the United States Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modification made to them in the future.
- D. Outdoor furnaces shall be located in a rear yard only. Outdoor furnaces shall not be located in a front or side yard.
- E. All outdoor furnaces shall have a minimum flue height of 20 feet.
- F. No person shall burn any of the following fuels or materials in any outdoor furnace under any circumstances:
 - (1) Household or commercial garbage or waste (as defined in Chapter 234, § 234-2).
 - (2) Tires.
 - (3) Paint and paint thinners.
 - (4) Construction and demolition debris.
 - (5) Plywood, particle board or other composite wood products.
 - (6) Manure.
 - (7) Asphalt products.
 - (8) Rubber products.
 - (9) Petroleum products.
 - (10) Animal carcasses.
 - (11) Leaves.

- (12) Wood that is wet and/or has been painted, varnished or coated with similar material; pressure-treated lumber; wood containing preservatives, resins or glue; railroad ties.
 - (13) Recyclable materials such as plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
 - (14) Newspapers, cardboard or any paper containing ink or dye.
 - (15) Soft coal.
- G. All outdoor furnaces may only be utilized for the sole purpose of furnishing heat to a structure and hot water during the period of October 1 through April 30; and only if the outdoor furnace meets the requirements of this chapter.
 - H. All storage of firewood or other fuel sources that are to be burned in an outdoor furnace shall be neatly stacked and stored under cover.
 - I. Ashes or other waste from an outdoor furnace shall be stored in a sealed container.

§ 201-4. Permits.

No person shall install or operate an outdoor furnace in the Borough without first obtaining a permit according to the following procedure:

- A. Anyone who desires to install or operate a new outdoor furnace upon their Property in the Borough must complete an application in writing and submit it to the Borough Secretary, along with the requisite application fee of \$100, at least 20 days prior to the desired date of installation. Permit application forms shall be available at the Borough Office during regular business hours.
- B. Proof that the outdoor furnace is certified to meet EPA emission standards must be submitted with the application. The applicant shall also be required to submit a copy of the manufacturer's recommended operating parameters and installation specifications. If the permit application is approved, this information shall be kept on file at the Borough office along with copies of the permit.
- C. Upon receipt of a completed application, the Borough Zoning Officer shall meet with the applicant to review the proposed site. If the application is not complete, the Borough Zoning Officer shall send the applicant a letter which states what information is required to complete the application.
- D. Within five days of site inspection, a letter shall be forwarded to the applicant from the Borough Zoning Officer, which either grants or denies the application to install the outdoor furnace. In the event the application is denied, the letter shall state the reasons for denial, and the right of the applicant to appeal the decision of the Borough Zoning Officer to the Borough Council.
- E. If compliance is certified with this chapter by the Borough Zoning Officer, the applicant shall then obtain all necessary permits to comply with the Pennsylvania Uniform Construction Code through the Borough Building Code official. The outdoor

furnace shall not be permitted until the applicant has also complied with all applicable sections of the Pennsylvania Uniform Construction Code.

- F. If the applicant wishes to appeal the denial of an application, the applicant must forward a written and signed appeal to the Borough Secretary within 30 days of the date of the denial letter from the Borough Zoning Officer.
- G. Upon receipt of an appeal, a hearing shall be arranged before the Borough Council within 45 days of the next regularly scheduled the Borough Council meeting. Notices of the hearing shall be served by the Borough via first class mail, or hand delivered, upon the applicant and all property owners having a property line within 500 feet of the proposed site.
- H. Following the hearing before the Borough Council, a written decision shall be issued to the applicant within seven days of the hearing. The decision shall be forwarded to the applicant by first-class mail and shall also be posted at the Borough office.
- I. In the event the Borough Council overrules the Borough Zoning Officer's denial of an application, the Borough Council may impose additional conditions or restrictions upon the applicant with respect to installation, placement, operation, or approved fuel sources. The determination of the Borough Council may be appealed within 30 days of the date of the written decision to the Clinton County Court of Common Pleas.

§ 201-5. Enforcement.

- A. The Borough Zoning Officer is hereby empowered to inspect grounds on which outdoor furnaces are installed to determine if there is compliance with the provisions of this chapter. If noncompliance with the provisions of this chapter constitutes a nuisance, or if any condition or structure poses a threat to the health, safety and welfare of the public, he shall issue a written notice to be serviced by certified mail upon the owner of said premises, or if the owner's whereabouts or identity is unknown, by posting the notice conspicuously upon the offending premises.
- B. Said notice shall specify the condition or structure complained of, and shall require the owner to commence to remove or otherwise rectify the condition as set forth therein within 30 days of mailing or posting of said notice and thereafter, to fully comply with the requirements of the notice within a reasonable time.

§ 201-6. Violations and penalties. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. D)]

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus court costs and reasonable attorneys' fees incurred by the Borough in the enforcement proceedings. Upon judgment against any person by summary conviction, or by proceedings by summons on default of the payment of the fine or penalty imposed and the costs, the defendant may be sentenced and committed to the county correctional facility for a period not exceeding 90 days. Each day that such violation exists shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense. In addition to or in lieu