**POLK TOWNSHIP, MONROE COUNTY, PENNSYLVANIA**

 **ORDINANCE NO. \_\_\_\_ OF 2022**

**AN ORDINANCE PROVIDING FOR THE PERMITTING AND REGULATION OF WOOD-FIRED BOILERS**

 WHEREAS, the Second Class Township Code § 1506 provides for the ability of a Board of Supervisors to adopt ordinances to protect the health, safety and welfare of citizens of the Township; and

 WHEREAS, the legislature of the Commonwealth of Pennsylvania has adopted a statute with regulations promulgated thereunder governing outdoor wood-fired boilers.; and

 WHEREAS, the Board believes that it is appropriate to require permitting of such outdoor wood-fired boilers to ensure the statute and regulations of the Commonwealth.

 NOW, THEREFORE, be it ENACTED and ORDAINED as follows:

Section 1. This Ordinance shall be known as the “Polk Township Outdoor wood-fired boilers Ordinance”.

Section 2. Definitions:

1. Outdoor wood-fired boiler- A fuel burning device designed to:

 1. Burn wood or manufacturer approved products; and

 2. That the manufacturer specifies for outdoor installation or installation in structures not normally occupies 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/anti-freeze mixture; and

 4. Is a Phase 2 outdoor wood-fired boiler.

Section 3. Permit Required:

1. For any Outdoor wood-fired boiler to be erected on property after the effective date of this Ordinance, a permit will be obtained for the same from Polk Township.
2. A permit must be applied for on an application form supplied by the Township with the appropriate fee paid at the time such application is submitted.
3. It shall be unlawful for any property owner to install an outdoor wood-fired boiler without first obtaining a permit from the Township authorizing installation.

 Section 4. Installation requirements and specification:

 1. All outdoor wood-fired boilers must be installed a minimum of 150 feet from the nearest property line.

 2. All outdoor wood-fired boilers shall have a permanently attached stack that meets the following requirements:

 a) Extends a minimum of ten (10) feet above the ground.

 b) Is installed according to the manufacturer’s specifications.

 3. This section is made to be consistent with Pennsylvania state law and regulations with regard to outdoor wood-fired boilers presently codified at 25 Pa. Code § 123.14. Should the regulations change or be amended with regard to the specifications set forth in Section 4(1) or (2) above, such changes or amendments shall immediately and without further amendment of this ordinance, supplant and replace the specifications set forth in those above sections.

Section 6. Allowed fuels:

1. Only one of the following fuels may be used:

 a) clean wood;

 b) wood pellets made from clean wood;

 c) home heating oil, natural gas or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual- fired outdoor wood-boilers;

 d) other types of fuel approved in writing by the Pennsylvania Environmental Protection department upon receipt of a written request;

 e) any and all other fuels may not be burned in an outdoor wood- fired boiler.

Section 7. Violations and Penalties:

 a) Any person violating any provisions of this Ordinance, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offences, shall be sentenced to pay a fine of not less than $250.00 nor more than $1000.00 plus costs of prosecution; and

 b) In addition to an enforcement action brought before a Magisterial District Judge, the Township may enforce this Ordinance with an action in equity after an abatement notice has been issued to the property owner which has not been complied with; and

 c) A violation of this Ordinance shall also constitute a public nuisance.

Section 8.This Ordinance shall be effective immediatelyupon adoption.

 **ADOPTED this \_\_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2022 by the Polk Township**

**Board of Supervisors.**

 **POLK TOWNSHIP BOARD OF SUPERVISORS**

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Brian K. Ahner, Chairman

ATTEST:

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Michael D. Hurley, Vice-Chairman

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Rebecca Tippett, Secretary

 By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Carl S. Heckman