

ORDINANCE NO. 711

AN ORDINANCE OF PENN TOWNSHIP  
ESTABLISHING REGULATIONS AND GUIDELINES  
REGARDING THE USAGE OF OUTDOOR WOOD  
BURNING FURNACES.

BE IT ENACTED AND ORDAINED by the Penn Township Board of Commissioners, York County, Pennsylvania as follows:

SECTION 1. Purpose Of Ordinance

The purpose of this Ordinance is to protect and promote the public health, safety, and welfare of its citizens by establishing regulations regarding the construction and operation of Outdoor Wood Burning Furnaces within the Township of Penn.

Section 2. Definitions. The following definitions are hereby deemed incorporated into the Penn Township Ordinance of Definitions.

CHIMNEY (Wood Burning Furnace): The flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.

EPA OWHH PHASE I PROGRAM: EPA OWHH (Outdoor Wood-fired Hydronic Heater) Phase I Program administered by the United States Environmental Protection Agency.

EPA OWHH PHASE I PROGRAM QUALIFIED MODEL: An Outdoor Wood-fired Hydronic Heater that has been EPA OWHH Phase I Program qualified to meet a particulate matter emission limit.

EXISTING OUTDOOR WOOD FURNACE: An Outdoor Wood Furnace that was purchased and installed prior to the effective date of this Ordinance.

FIRE CODE ENFORCEMENT OFFICER (FCEO): The Fire Chief of the Township of Penn or his designated representative.

NATURAL WOOD: Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

NEW OUTDOOR WOOD FURNACE: An Outdoor Wood Furnace that is first installed or constructed after the effective date of this Ordinance.

OUTDOOR WOOD FURNACE: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, constructed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat for any interior space or water source. An Outdoor Wood Furnace may also be referred to as an Outdoor Wood Boiler or Outdoor Wood-Fired Hydronic Heater.

Section 3. Regulations for Outdoor Wood Furnaces

- A. No person shall, from the effective date of this Ordinance, construct, install, operate or maintain an Outdoor Wood Furnace other than in compliance with this Ordinance.
- B. No person shall, from the effective date of this Ordinance, operate an Outdoor Wood Furnace unless such operation conforms with the Manufacturer's instructions regarding such operation and the requirements of this Ordinance regarding fuels that may be burned in an Outdoor Furnace as set forth in Sections 4.A and 4.B of this Ordinance and chimney height as set forth in Sections 4.D and 4.F of this Ordinance.
- C. All new Outdoor Wood Furnaces shall be constructed, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this Ordinance. In the event of a conflict, the requirements of this Ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- D. The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the FCEO for review prior to installation.
- E. All new Outdoor Wood Furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CANICSA, ANSI or other applicable safety standards.
- F. If an Existing Outdoor Wood Furnace is, through the course of a proper investigation by the FCEO, creating a verifiable nuisance or an unsafe condition, the following steps shall be taken by the owner and the FCEO:
  - (1) Cease and desist operating the unit until reasonable steps are taken to ensure that the Outdoor Wood Furnace will no longer be a nuisance or safety concern and will comply with applicable statutes and with this ordinance.
  - (2) Modifications made to the unit to eliminate the nuisance or safety concern such as extending the chimney or relocating the Outdoor Wood Furnace or both.

#### Section 4. Design and Installation Requirements

Outdoor Wood Furnaces shall be designed and installed to meet the following regulations and standards:

- A. Setbacks For Any New Outdoor Wood Furnace (Models Not EPA OWHH Phase 1 Program Qualified):

- (1) The Outdoor Wood Furnace shall be located at least 25 feet from any property line.
- (2) The Outdoor Wood Furnace shall be located in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
- (3) The Outdoor Wood Furnace shall be located at least 100 feet from any residence that is not served by the Outdoor Wood Furnace.

B. Chimney Heights for new and existing Outdoor Wood Furnaces.

- (1) The chimney of any new Outdoor Wood Furnace shall extend at least two feet above the peak of any residence not served by the Outdoor Wood Furnace located within 300 feet of such Outdoor Wood Furnace.
- (2) If there is an existing Outdoor Wood Furnace already installed and there is a new construction of a residence not served by the outdoor Wood Furnace within 300 feet of such Outdoor Wood Furnace then the owner of such Outdoor Wood Furnace shall conform to the stack height requirement of this Ordinance within 30 days of the date such construction is complete and upon written notice from the Township.

C. Setbacks For EPA OWHH Phase 1 Program Qualified Models.

- (1) The Outdoor Wood Furnace shall be located at least 25 feet from any property line.
- (2) The Outdoor Wood Furnace shall be located in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

D. Chimney Heights For EPA OWHH Phase 1 Program Qualified Models.

- (1) The EPA OWHH Phase 1 Program Qualified model chimney shall extend at least 2 feet above the highest roof peak of the resident for which it serves and the chimney shall extend at least 2 feet above the highest roof peak of any residence not served by the furnace within 100 feet, whichever is greater.

Section 5. Fuel Regulations

- A. Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup. Outdoor Furnaces that use corn, wood pellets or other palletized Biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 1 Program Qualified models.

B. The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:

- (1) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products including, but not limited to particleboard.
- (2) Rubbish or garbage, including but not limited to food wastes, food packaging and food wraps.
- (3) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers.
- (4) Rubber, including tires or other synthetic rubber-like products.
- (5) Newspaper, cardboard or any paper with ink or dye products.
- (6) Waste petroleum products.
- (7) Paints or paint solvents.
- (8) Coal.

#### Section 6. Permits

No person shall cause, allow or maintain the use of an Outdoor Wood Furnace within the Township of Penn without first having obtained a permit issued by the Township, excepting, however, that all operators or owners with existing Outdoor Wood Furnaces shall have ninety days from the effective date of this Ordinance to obtain a permit conforming to the regulations stated herein.

#### Section 7. Fees and Costs

Permit fees for Outdoor Wood Furnaces shall be set, from time to time, by Resolution of the Board of Commissioners.

#### Section 8. Violations and Penalties.

Any person, firm, association, partnership or corporate entity who violates any of the provisions of this Ordinance or fails to comply with a duly authorized Order issued pursuant to this Ordinance shall be subject to the penalties in Chapter 110 of the Penn Township Code. Each day that a violation exists shall be considered a separate violation of this Ordinance.

#### SECTION 9. Repealer

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed.

SECTION 10. Severability

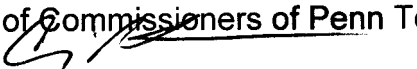
If any provision of this Ordinance is held invalid, said invalidity shall not affect any other provision or application of this ordinance.

SECTION 11 Amendment to Township Code


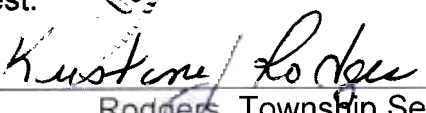
The Articles adopted shall be deemed to be incorporated into the Penn Township Code so that reference shall be understood and intended to include such changes.

ENACTED AND ORDAINED this 15<sup>th</sup> day of February, 2010.

Board of Commissioners of Penn Township

By:   
Craig M. Prieber, President

Attest:

  
  
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Rodgers, Township Secretary