

BOROUGH OF EBENSBURG

ORDINANCE #530

AN ORDINANCE REGULATING THE INSTALLATION AND USE OF OUTDOOR FURNACES

BE IT ORDAINED AND ENACTED by the Council of the Borough of Ebensburg, County of Cambria and Commonwealth of Pennsylvania, and it is hereby Ordained and Enacted:

Section 1. Purpose

It is the purpose of this Ordinance to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Borough of Ebensburg for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Borough and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odor, air pollution, particles and other products of combustion that can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

Section 2. Definition

An outdoor furnace is defined as "any equipment, device, apparatus or structure or any part thereof which is installed, affixed or situated outdoors for the purpose of combustion of any type of fuel to produce heat or energy used as a component of a heating system providing heat for an interior space or water source."

Section 3. Regulations

- 1) Outdoor furnaces shall not be placed less than forty (40') feet from the nearest point of intersection of any other adjacent property owner's structure and shall have a chimney stack of at least twenty (20') feet and/or at least two (2') feet above the roof line of the highest structure within two hundred (200'), when installed. Said chimney stack shall also have a spark arrestor installed on top.
- 2) Outdoor furnaces shall not be placed less than twenty (20') feet from the nearest point of intersection of the property line of another property owner.
- 3) An area of twenty (20') feet around the outdoor furnace structure shall be free of vegetation, except grass not exceeding four (4") inches in height.
- 4) The minimum required lot size for an outdoor furnace is 40,000 square feet.
- 5) No other fuel other than natural wood without additive, wood pellets without additive and agricultural seeds in their natural state may be burned. Processed wood products and other non-wood products, recyclable materials, plastics, rubber, paper products, garbage and painted or treated wood are prohibited.
- 6) Furnaces are prohibited to burn between May 1st and September 30th.
- 7) Outdoor furnaces which are designed to heat structures ten percent (10%) greater than the size of the structure(s) to be heated are not permitted.
- 8) Outdoor furnaces and associated installation shall be subject to inspection by the zoning enforcement officer and building codes enforcement officer at any reasonable time to assure compliance with the terms hereof.

- 9) Outdoor furnace installation is subject to the permit provisions of the zoning and building code ordinances including furnishing the following information:
- a) A drawing providing and identifying all of the information necessary to assure compliance herewith, including property lines, location of neighboring properties and structures, height of nearby buildings, etc.
 - b) Manufacturer's specifications for the outdoor furnace.
 - c) Compliance with all applicable State and Federal statutes including the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing.
- 10) Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
- 11) This Ordinance shall not be a defense to any civil claims.

Section 4. Enforcement

If noncompliance with the provisions of this Ordinance constitutes a nuisance, or if any condition poses a threat to the health, safety, or welfare of the public, the police department shall issue a written notice to be served by registered or certified mail upon the owner of said premises, or, if the owner's whereabouts or identity be unknown, by posting the notice conspicuously upon the offending premises.

Said notice shall specify the condition complained of, and shall require the owner to commence to remove or otherwise rectify the condition as set forth therein within ten (10) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

Section 5. Penalty

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine not more than six hundred dollars (\$600.00), and in default of payment, to undergo imprisonment for a term not to exceed thirty (30) days. Each day that a violation of this ordinance continues shall constitute a separate offense.

Section 6. Grandfather Clause

This Ordinance shall not be construed to be retroactive and shall not require the removal of any outdoor furnace in existence within the Borough at the effective date of this Ordinance. All outdoor furnaces in existence at the effective date of this Ordinance shall have or must erect a flue or chimney in accordance with the height requirements contained herein. If an outdoor furnace is more than fifty (50%) percent torn down, damaged, deteriorated or otherwise reduced to fifty (50%) percent of its original design, any rebuilding or restoration of said outdoor furnace shall be a violation of this Ordinance.

Section 7. Repealer

All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 8. Severability


If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Ebensburg Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 9. Effective Date


This ordinance shall become effective on the 23rd day of January 2006.

ENACTED AND ORDAINED this 23rd day of January 2006.

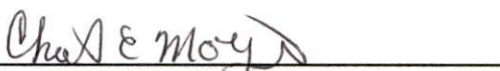
EBENSBURG BOROUGH COUNCIL


Deborah A. Nesbella, President

ATTEST:


Daniel L. Penatzer, Manager

Approved this 23rd day of January 2006.


Charles E. Moyer, Mayor