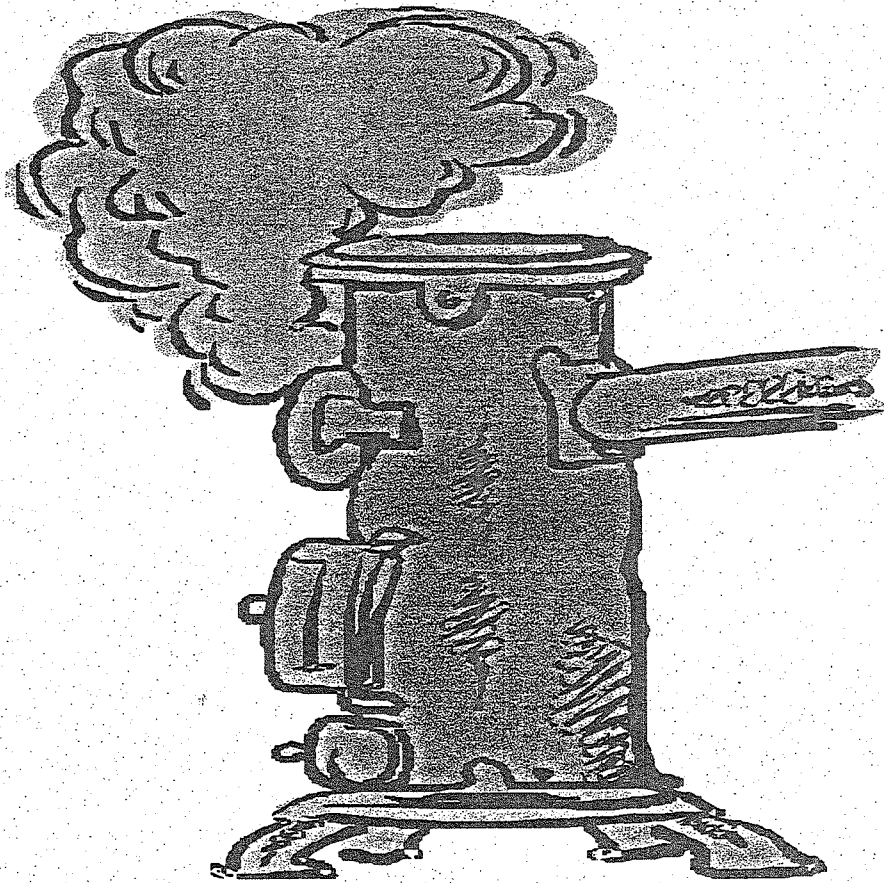


SOMERSET TOWNSHIP OUTDOOR FURNACE ORDINANCE.



Ordinance No. 06-01 of
March 9, 2006

ORDINANCE No. 06-01 of 2006

AN ORDINANCE OF SOMERSET TOWNSHIP, SOMERSET COUNTY,
PENNSYLVANIA REGULATING THE INSTALLATION
AND USE OF OUTDOOR FURNACES

BE IT ORDAINED AND ENACTED BY THE SUPERVISORS OF SOMERSET TOWNSHIP, SOMERSET COUNTY, 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 Township of Somerset for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Township 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 the health of the Township citizens, 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 constructed, 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.

- (A) Outdoor furnaces shall not be placed less than fifty (50) feet from the nearest point of intersection of any other adjacent property owner's structure.
- (B) Outdoor furnaces located closer than 200 feet from an adjacent property owner's structures shall have a chimney stack of at least 20 feet in height or at least two (2) feet higher than the highest portion of the roofline of any structure within 200 feet, which ever is greatest. All chimney stacks regardless of height shall be fitted with a spark arrestor.
- (C) Outdoor furnaces shall not be placed less than fifty (50) feet from the nearest point of intersection of the property line of another property owner.
- (D) 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.

- (E) The minimum required lot size for an outdoor furnace is one (1) acre.
- (F) No other fuel other than natural wood without additive, wood pellets without additive, coal, 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.
- (G) Outdoor furnaces and associated installation shall be subject to inspection by a building codes enforcement officer or representative(s) at any reasonable time to assure compliance with the terms hereof.
- (H) Outdoor furnace installation shall be subject to the permit provisions and such installation shall first require a permit be issued by the Township's Building Code Enforcement Officer or other representative as required by any zoning and/or building code ordinances and/or laws of the Commonwealth of Pennsylvania, now in effect or hereafter adopted, including furnishing the following information:
 - (i) 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.
 - (ii) Manufacturer's specifications for the outdoor furnace.
 - (iii) Compliance with all applicable state and federal statutes, including the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing.
 - (iv) Building inspector shall certify furnace has been installed according to manufacturer's recommendations.
- (I) Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
- (J) 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 building codes official 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 removal or other rectification of 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. PENALTIES.

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 CLAUSES.

- (A) This *Ordinance* shall **not** be construed to be retroactive, and shall not require the removal of any outdoor furnace in existence within the Township when this *Ordinance* is adopted. However, any replacement of any outdoor furnace or significant portion of an existing outdoor furnace after the effective date of this *Ordinance* shall constitute a new installation of an outdoor furnace and such installation shall be subject to all the terms and provisions of this *Ordinance*.
- (B) Any outdoor furnace in existence before the effective date of this *Ordinance* shall comply with the requirements of **Section 3(F)** of this *Ordinance* as to what can and cannot be burned in the furnace.
- (C) If neighbors complain in writing to the Township Supervisors or the Township Building Code Official as to the smoke from the existing outdoor furnace affecting their use and enjoyment of their adjacent land(s), then the Building Code Official may require the landowner to extend the chimney stack on the existing outdoor furnace to meet the height requirements in **Section 3(B)** of the *Ordinance*.

SECTION 7. REPEALER.

All ordinances or parts of ordinances that 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 Supervisors 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. REMEDIES NOT MUTUALLY EXCLUSIVE.

The remedies provided herein for the enforcement of this *Ordinance*, or any remedy provided by law, shall not be deemed mutually exclusive. Rather, they may be employed simultaneously or consecutively at the option of the Supervisors.

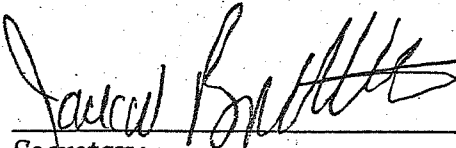
SECTION 10. EFFECTIVE DATE.

This *Ordinance* shall become effective five (5) days after adoption.

ENACTED and ORDAINED this 9 th day of March, 2006.

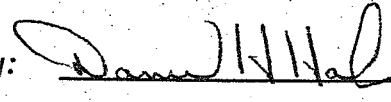
TOWNSHIP OF SOMERSET

Attest:

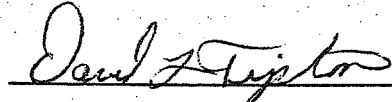


Secretary

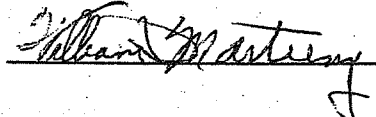
(SEAL)

By: 

Supervisor

By: 

Supervisor

By: 

Supervisor

SECRETARY'S CERTIFICATE

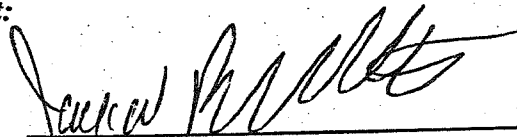
I, **Jack W. Biancotti**, Secretary for the Board of Supervisors of Somerset Township, Somerset County, Pennsylvania, do hereby certify:

1. The undersigned is duly appointed and qualified and acting Secretary of the Supervisors of Somerset Township, and as such, the minute books, ordinances and resolutions and other books of said Borough are in my possession and custody.

2. The foregoing **Ordinance** is a true and correct Ordinance of the Township, duly and regularly adopted by the Supervisors of Somerset Township, Somerset County, Pennsylvania, at its regular monthly meeting held on the **9 th March, 2006** which said meeting was at all times open to the public, due notice of which was given as required by law, and at said meeting a quorum of the said Supervisors was present and participating and did vote in majority for adoption of the foregoing Ordinance.

3. Further, said Ordinance was duly advertised according to law before said regular monthly meeting and said Ordinance was duly adopted after such proper advertisement, and duly recorded in the Ordinance Book of said Township and said Ordinance has not been amended, modified or rescinded and is still in full force and effect.

Attest:



Jack W. Biancotti, Secretary for the
Somerset Township Supervisors

(SEAL)

Dated :March 9, 2006