

- C. Compliance with all applicable State and Federal statutes including the Pennsylvania Department of Environmental Protection and the United States Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing.
- 8. Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
- 9. This Ordinance shall not be a defense to any civil claims.

SECTION 6. 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 or Code Enforcement Officer 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 thirty (30) days of mailing or posting of said notice, and thereafter, to fully comply with the requirements of the notice within a reasonable time.

SECTION 7. PENALTY

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not more than One Thousand and 00/100 (\$1,000.00) Dollars, 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 8. STATUS OF EXISTING OUTDOOR FURNACES

This Ordinance shall not be construed to be retroactive and shall not require the removal of any outdoor furnace or component thereof in existence within the Borough at the effective date of this Ordinance and not compliant with the setback provisions of this Ordinance. All outdoor furnaces in existence at the effective date of this Ordinance shall comply with all other regulations set forth herein within 90 days of the date of enactment of this Ordinance, including but not limited to, the erection of a flue or chimney stack of a size required pursuant to the manufacturer's specifications. If an outdoor furnace is more than fifty (50%) percent dismantled, damaged, deteriorated or otherwise reduced to fifty (50%) percent of its original design, any rebuilding or restoration of said outdoor furnace shall comply with the provisions of this Ordinance.

SECTION 9. VARIANCES

The Borough Council may grant variances based upon a presentation of unique factors rendering restrictions set forth herein to be both unnecessary for the protection of the public health safety and welfare and impractical or not feasible with which to comply. Such variances, if granted, shall have a term of one year and be automatically renewed in the absence of complaints or other problems. Any such variance granted may contain such provisions as the Borough Council may deem necessary to protect the health, safety and welfare of Borough residents and to prevent a nuisance. Any person granted a variance shall indemnify, defend and hold harmless the Borough from any liability that may arise wholly or partially out of the granting of the variance.

SECTION 10. REPEALER

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

SECTION 11. SEVERABILITY

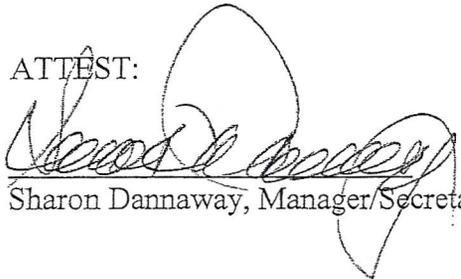
If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Tyrone 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 12. EFFECTIVE DATE.

This Ordinance shall become effective upon the earliest date provided by law.

ORDAINED AND ENACTED as an Ordinance of the Borough of Tyrone this 11th day of August, 2008.

ATTEST:


Sharon Dannaway, Manager/Secretary

BOROUGH OF TYRONE

By 
James Kilmartin, Mayor/President