

ORDINANCE NO. 1269

AN ORDINANCE OF THE BOROUGH OF TYRONE, A HOME RULE MUNICIPALITY TO BE KNOWN AS "REGULATION OF OUTDOOR FURNACES" TO: REGULATE THE INSTALLATION AND USE OF OUTDOOR FURNACES, INCLUDING BUT NOT LIMITED TO: 1. DEFINITIONS SUCH AS ACCEPTABLE AND UNACCEPTABLE FUELS; 2. PROVIDE FOR CHIMNEY HEIGHT, MINIMUM LOT SIZE, PERMIT TO CONSTRUCT AND SET BACK REQUIREMENTS 3. REGULATE THE EMISSION OF SMOKE FROM OUTDOOR FURNACE HEATING SYSTEMS; 4. PROVIDE FOR ENFORCEMENT AND PENALTIES FOR VIOLATION THEREOF; AND 6. PROVIDE FOR VARIANCES AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, the Borough Council may adopt ordinances to secure the safety of persons or property within the Borough and prohibit nuisances within the Borough; and

WHEREAS, the Borough Council is aware that certain outdoor building heating systems (outdoor furnaces) are being installed that emit smoke at or near ground level causing a nuisance to the general public, which the Borough Council is authorized to prohibit; and

WHEREAS, the Borough Council Members are aware that certain outdoor furnaces are being installed that emit smoke at or near ground level affecting the health and general welfare of the residents of the Borough, and the Borough Council Members are authorized to enact regulations protecting the health and general welfare of the residents of the Borough; and

WHEREAS, residents of the Borough are subject to adverse affects to the residents' health and general welfare from outdoor furnaces.

The Borough Council hereby ordains:

SECTION 1. AUTHORITY

This Ordinance is enacted pursuant to the powers granted to the Borough in the Borough Charter.

SECTION 2. 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 Tyrone 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 3. FINDINGS

Smoke emitted from outdoor furnaces, chimneys, smokestacks and/or other sources of smoke as part of building heating systems not meeting the regulations of this Ordinance shall constitute a nuisance and shall be a danger to the health and general welfare of the citizens of the Borough due to the noxious fumes, reduction in breathable air, and risk to asthmatics and those with allergies.

SECTION 4. DEFINITIONS

1. The term "outdoor furnace" is defined as "any equipment, device, apparatus or structure or any part thereof which is installed, (excluding pre-existing flues for in-home heating systems) 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 and/or water source."
2. The definition of "building heating systems" shall include, but not be limited to, an "outdoor furnace".
3. "Acceptable Fuel" shall mean all natural wood products, (dried and without additives), coal, # 2 heating oil, agricultural seeds in their natural state and without additives.
4. "Unacceptable Fuel" shall mean the following types of materials:
 - A. Wood that is wet and/or has been painted, varnished or coated with similar material, pressure treated lumber, wood containing preservatives, resins, glue as in plywood, particle board or other composite wood, railroad ties.
 - B. Garbage, municipal waste (both as may be defined in applicable ordinances of the Borough) or rubbish, including but not limited to food waste, food packaging, food wraps.
 - C. Any recycling materials (as defined in applicable ordinances of the Borough) such as plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

D. Rubber including tires or other synthetic rubber-like products, linoleum, asphalt or tarry products (roofing paper or shingles).

E. Newspaper, cardboard, leaves or any paper with ink or dye and any other items not specifically allowed by the manufacturer or this provision.

SECTION 5. REGULATIONS

1. Outdoor furnaces shall not be placed less than one hundred (100) feet from the nearest point of intersection of any other adjacent property owner's structure and shall have a chimney stack, smokestack and/or other source of smoke utilized for the purposes of emitting smoke from a building heating system of a size required pursuant to the manufacturer's specifications. 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 combustible material, including 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. Outdoor furnaces shall burn only acceptable fuel and shall not burn unacceptable fuel.
6. Outdoor furnaces and associated installation shall be subject to inspection by the Borough Code Enforcement Officer at any reasonable time to assure compliance with the terms hereof.
7. Outdoor furnace installation is subject to the permit provisions of the other Borough ordinances including, but not limited to, 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.