

UPPER MIFFLIN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA

ORDINANCE NO. 2012-1

AN ORDINANCE PROVIDING FOR SAFETY, PLACEMENT, SETBACKS, PERMITTING REQUIREMENTS FOR, AND OTHER REGULATION AND REGISTRATION OF OUTDOOR WOOD-FIRED BOILERS; AND PRESCRIBING PENALTIES AND REMEDIES FOR VIOLATIONS.

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Upper Mifflin Township, Cumberland County, Pennsylvania ("the Township"), as follows:

SECTION 1 - INTRODUCTION AND PURPOSE

WHEREAS, the Township has determined that air pollution from outdoor wood-fired boilers may be detrimental to the health, comfort, living conditions, welfare, and safety of the citizens of the Township, it is hereby declared to be the policy of Upper Mifflin Township to safeguard the citizens of the Township from such air pollution.

WHEREAS, the purpose of this Ordinance is to set forth requirements for outdoor wood-fired boilers;

IT IS HEREBY ENACTED AND ORDAINED by the Board of Supervisors of Upper Mifflin Township, Cumberland County, Pennsylvania, as follows:

SECTION 2 – DEFINITIONS

Clean wood – Natural wood that has no paint, stains, or other types of coatings, and natural wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

DEP – Pennsylvania Department of Environmental Protection

EPA – United States Environmental Protection Agency

Non-Phase 2 outdoor wood-fired boilers – An OWB that has not been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units (Btu) output or lower and is labeled accordingly.

Outdoor wood-fired boiler (OWB) – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters, water stoves, etc. A fuel-burning device:

1. Designed to burn clean wood or other approved solid fuels;

2. That the manufacturer specifies for outdoor installation or for installation in structures not normally intended for habitation by humans or domestic animals, including structures such as garages and sheds; and
3. Which heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

Phase 2 outdoor wood-fired boiler – an outdoor wood-fired boiler that has been certified or qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million Btu output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

Spark Arrester – A device (located at the top of a chimney) to prevent sparks, embers or other ignited material above a given size from being expelled to the atmosphere.

Stack – Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a furnace, especially that part of a structure extending above a roof.

SECTION 3 – REQUIREMENTS FOR OUTDOOR WOODFIRED BOILERS

Outdoor wood-fired boilers are permitted subject to the following conditions and requirements:

1. Emissions Standards – All outdoor wood-fired boilers must meet EPA Phase 2 emission standards. Non-Phase 2 OWBs acquired through real estate transactions are exempt from this requirement.
2. Lot size – OWBs shall only be utilized on lots or parcels of land 1 acre or larger.
3. Setbacks – OWBs shall be installed in accordance with the following setbacks:

Front	100 feet
Side	50 feet
Rear	50 feet

4. Location - OWBs shall not be located in the front yard between the principal building and a public street.
5. Stack Height –OWBs must have a permanently installed stack that is installed per any maximum and minimum specifications the manufacturer may recommend.
6. Types of Fuel Permitted – All OWBs shall operate using only the following fuels:
 - a. Clean Wood
 - b. Wood pellets made from clean wood

- c. Home heating oil, natural gas or propane that complies with all applicable sulfur limits and is used as a starter or supplemental fuel for dual fired outdoor wood-fired boilers
 - d. Other types of fuel approved in writing by DEP upon receipt of a written request.
- 7. An OWB shall not be used as a waste incinerator.
- 8. Use of Starter Fluids – Use of starter fluids such as lighter fluid, gasoline and other chemicals to ignite an OWB is prohibited.
- 9. Safety – All OWBs shall be equipped with a properly functioning spark arrestor.
- 10. Months of Operation – Use of OWBs shall not be limited to months of operation.
- 11. Decommissioning – All OWBs shall be removed within twelve (12) months of the date when the use has been discontinued or abandoned by the owner or operator or termination of the useful life of same. The OWB shall be presumed to be or abandoned if the unit has not been in operation for a period of twelve (12) months.
- 12. Nuisance – The use of an OWB shall not cause a nuisance, as defined by Upper Mifflin Township Ordinance No. 2006-2.
- 13. Installation, use and operation of an OWB must comply with manufacturer's specifications as well as all applicable local, county, state and/or federal laws, regulations and codes.
- 14. Administration
 - a. An applicant shall obtain a building permit prior to installation of an OWB.
 - b. Owners of Non-Phase 2 OWBs shall register the device with Upper Mifflin Township within 60 days of the effective date of this ordinance.
- 15. Permit Requirements
 - a. Building permit applications shall document compliance with this ordinance and shall be accompanied by drawings showing the location of the OWB on the property, including property lines and setbacks. Permits shall be kept on the property where the OWB is located.
 - b. The building permit shall be suspended or revoked if the OWB is not operated in accordance with this ordinance. A suspended permit may be reinstated once the condition resulting in the suspension is remedied and reasonable assurances are given that such condition will not reoccur.

16. Penalties and Civil Remedies

- a. Any person who violates any provision of this Ordinance, upon summary conviction thereof, shall be sentenced to pay a fine of not more than One Thousand Dollars (\$1,000.00), plus costs of prosecution, and in default of payment thereof, be imprisoned in the Cumberland County Prison for a period of not more than thirty (30) days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this Ordinance that is violated shall also constitute a separate offense.
- b. In addition to other remedies, the Township may institute and maintain appropriate actions by law or in equity to restrain, correct or abate violations, to prevent unlawful activities and to recover damages including the costs incurred in protecting persons or property

17. Severability

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared unconstitutional or invalid for any reason whatsoever, or determined to be preempted by state or federal law, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

18. Effective Date

This Ordinance shall become effective the 25th day of March, 2012.

UPPER MIFFLIN TOWNSHIP
BOARD OF SUPERVISORS

Michael J. Bishop
Chairman

Zedd Chestnut

Heidi J. Cluenger

CERTIFICATION & ATTEST

I hereby certify that the above Ordinance was enacted at a duly constituted meeting of the Board of Supervisors of Upper Mifflin Township, Cumberland County, Pennsylvania, held on March 20, 2012, at the Township Building, 455 Whiskey Run Road, Newville, Pennsylvania.

Keith Ann Myers
Secretary

SEAL

Date: 3-20-12