

**CHAPTER 10  
HEALTH AND SAFETY**

**ORDINANCE NO \_\_\_\_\_**

**PART 3  
OUTDOOR WOOD-FIRED BOILER ORDINANCE**

An ordinance of the Township of Spring, Centre County, Commonwealth of Pennsylvania, for the prevention and control of air pollution from the use of outdoor wood-fired boilers, also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, or outdoor hydronic heaters; defining certain terms used herein; providing for regulations, exceptions, enforcement orders, responsibility of owners and operators, penalties, unlawful conduct, public nuisances, repealing previous ordinances and validity.

**§301 TITLE**

This part may be cited and shall be known as the Spring Township Outdoor Wood-Fired Boilers Ordinance of 2010.

**§302 AUTHORITY**

The Board of Supervisors of the Township of Spring, under, and by virtue of and pursuant to the authority granted do hereby enact and ordain this ordinance.

**§303 APPLICABILITY**

Except as otherwise provided in Section 307, this ordinance applies to the installation and use of all outdoor wood-fired boilers within Spring Township.

- A. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**§304 PURPOSE AND SCOPE**

Whereas the Board of Supervisors of Spring Township has determined that air pollution from outdoor wood-fired boilers may be a detriment to the health, comfort, living conditions, welfare and safety of the citizens of Spring Township, it is hereby declared to be the policy of Spring Township to safeguard the citizens of Spring Township from such air pollution.

**§305 DEFINITIONS**

The following words, terms and phrases, when used in this ordinance, unless the context clearly indicates otherwise, shall have the following meanings ascribed to them:

APCA – Commonwealth of Air Pollution Control Act (35 P.S §4001, et seq.)

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

EPA – United States Environmental Protection Agency

Outdoor Wood-Fired Boiler – Also known as outdoor wood-fired furnaces, outdoor wood-burning appliances, outdoor hydronic heaters, water stoves, or other such similar devices. 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.

Person – Any individual, public or private corporation for profit or not for profit, association, partnership, firm, trust, estate, department, board, bureau or agency of the Commonwealth or the Federal Government, political subdivision, municipality, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

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 British Thermal Units output and is labeled accordingly. Phase 2 outdoor wood-fired boiler models will be identified with a white hang tag.

Responsible Official – Person designated by the municipality to be responsible for the administration and enforcement of this ordinance.

Stack – Any vertical structure that carries off smoke or exhaust from a furnace.

### §306 REGULATIONS

On or after the effective date of this ordinance, an outdoor wood-fired boiler may be installed, used or operated in Spring Township only in accordance with the following provisions:

- A. Zoning Requirements for New Outdoor Wood-Fired Boilers. No person shall install an outdoor wood-fired boiler except on parcels of land greater than three (3) acres. No person shall install an outdoor wood-fired boiler unless it is installed at least 150 feet from the nearest property line.

B. Particulate Standard Requirements for New Outdoor Wood-Fired Boilers. No person shall install an outdoor wood-fired boiler that is not a Phase 2 Outdoor Wood-Fired Boiler.

C. Stack Height Requirements for New Outdoor Wood-Fired Boilers. No person shall install an outdoor wood-fired boiler unless it has a permanent attached stack with a minimum stack height of ten feet (10') above the ground or at least two feet (2') above the highest peak of any residence located less than 150 feet from the outdoor wood-fired boiler.

D. Fuel Requirements for New and Existing Outdoor Wood-Fired Boilers. No person that operates a new or existing outdoor wood-fired boiler shall use a fuel other than the following:

- (1) Clean wood
- (2) Wood pellets made from clean wood
- (3) Home heating oil, natural gas, propane or fuel that complies with all applicable sulfur limits required by state or federal regulation and is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers

E. Prohibited Fuels for New and Existing Outdoor Wood-Fired Boilers. No person shall burn any of the following items in an outdoor wood-fired boiler:

- (1) Any material not listed in §306.D
- (2) Treated or painted wood
- (3) Furniture
- (4) Garbage, trash or recyclable materials
- (5) Tires
- (6) Lawn clippings or yard waste
- (7) Materials containing plastic or rubber
- (8) Waste petroleum products
- (9) Paints and paint thinner
- (10) Chemicals
- (11) Any hazardous waste
- (12) Coal
- (13) Glossy colored paper
- (14) Construction and demolition debris
- (15) Plywood
- (16) Particleboard
- (17) Salt water driftwood
- (18) Manure
- (19) Animal carcasses
- (20) Asphalt products

F. Prohibition of Operation for New and Existing Outdoor Wood-Fired Boilers. No person shall use or operate a new or existing outdoor wood-fired boiler between the dates of May 1 and September 30.

G. Regulatory Requirements for New and Existing Outdoor Wood-Fired Boilers. No person shall use or operate a new or existing outdoor wood-fired boiler unless it complies with all applicable state and local regulations. Some regulations of the Commonwealth of Pennsylvania that may apply include:

- (1) 25 Pa. Code Section 121.7 – Prohibition of Air Pollution
- (2) 25 Pa. Code Section 123.1 – Fugitive Emissions
- (3) 25 Pa. Code Section 123.31 – Odor Emissions
- (4) 25 Pa. Code Section 123.41 – Visible Emissions
- (5) Section 8 of the APCA, 35 P.S. Section 4008 – Unlawful Conduct
- (6) Section 13 of the APCA, 35 P.S. Section 4013 – Public Nuisances

#### §307 PERMITS FOR NEW OUTDOOR WOOD-FIRED BOILERS

No person shall use or operate a new outdoor wood-fired boiler unless a building permit is obtained from the responsible official. Property owner or authorized agent must obtain a building permit for a new outdoor wood-fired boiler prior to installation with all applicable fees established by Spring Township resolution. Certification of compliance with Phase 2 outdoor wood-fired boiler standards shall be submitted with application. A site plan and other information shall accompany the application as required by the responsible official.

§308 ZONING REGULATIONS. For zoning ordinance regulations relating to the installation and operation of outdoor wood-fired boilers, consult Chapter 21, Section 822 of the Spring Township Zoning Ordinance.

#### §309 PENALTIES

Any person, firm or corporation who shall violate any provisions of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this part continues or each Section of this part which shall be found to have been violated shall constitute a separate offense.

**ORDAINED AND ENACTED** into an Ordinance and passed by the Board of Supervisors of Spring Township on this \_\_\_\_\_ day of \_\_\_\_\_, 2010.

Spring Township Supervisors

\_\_\_\_\_  
Terry Perryman, Chairman

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David Capperella, Vice Chairman

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Frank Royer

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Attest