

5/14/2012

OUTDOOR FURNACES

Definitions.

The following words, terms and phrases, when used in this Part, shall have the following meanings:

Board - the Board of Supervisors of Liberty Township, Montour County, Pennsylvania.

Dwelling - a building designed or used as the living quarters for one or more families.

Open burning - a fire, the air contaminants from which are emitted directly into the outdoor atmosphere and not directed hereto through a flue/vent stack or chimney.

Outdoor furnace/incinerator - a device located outside a dwelling or structure and used to burn combustible materials for the purpose of generating heat inside the dwelling or structure. An outdoor furnace/incinerator shall be considered a "structure" for purposes of any other ordinance or regulation applying to or effective in the Township of Liberty including, but not limited to, zoning ordinances and building codes.

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.

Structure - anything constructed or installed or portable that requires for normal use a location on a parcel of land. This includes any movable structure located on land, which can be used either temporarily or permanently for housing, business, commercial, agricultural or office

purposes. It also includes, but is not limited to, garages, workshops, barns, incinerators and accessory buildings.

Village center - those areas within the limits of the Township of Liberty that are delineated on the attached map

Regulations.

1. This part does not regulate nor does it attempt to regulate open burning in the Township of Liberty or burning solely for cooking food or for recreational (i.e. camping) purposes.
2. No combustible materials other than untreated wood, coal or wood products specifically manufactured for use in wood furnaces/incinerators (i.e. wood pellets) shall be burned in an outdoor furnace/incinerator. For purposes of this part, railroad ties and pressure treated lumber are not considered to be untreated wood.
3. An outdoor furnace/incinerator shall be considered an accessory structure for the purposes of the zoning ordinance effective in the Township and shall be subject to the applicable terms and yard set back distances contained in such ordinance.
4. An outdoor furnace/incinerator must have a vent stack or chimney which:
 - a. Shall be constructed in accordance with the furnace/incinerator manufacturer's specifications or recommendations.
 - b. Shall terminate a minimum of 20 feet above the highest part of the outdoor furnace/incinerator, except that

a lesser height may be approved by the Board of Supervisors of their designee on a case-by-case basis if the smoke from the lower chimney height or vent stack does not create a nuisance for neighbors. This exception may be withdrawn if and when subsequent events cause a nuisance to exist.

c. Shall be firmly secured so the chimney or vent stack does not topple.

5. Any new construction, repair or replacement of any device regulated by this ordinance after the effective date thereof, shall in all respects comply with the provisions of any ordinance, law or statute in existence at that time. Also, after the effective date of this part, no person may permit the use or alteration of an outdoor furnace/incinerator in a manner inconsistent with the regulations detailed herein or any statute relating to the same.

Banned Installation and Operation in Township.

1. Any duly authorized agent or officer of the Township of Liberty shall have the power and duty to enforce the provisions of this part.

2. Any duly authorized enforcement officer hereunder may issue such orders as are necessary to aid in the enforcement of the provisions of this Part. These orders shall include, but shall not be limited to, orders requiring persons to cease use of an outdoor furnace/incinerator which is inconsistent with or in violation of the regulations detailed in this part. Any duly authorized enforcement officer hereunder may also issue orders requiring persons to take corrective actions or to abate a public nuisance. Such

an order may be issued by any duly authorized Township enforcement officer if such officer finds that any person is in violation of any provisions of this Part or the regulations specified herein.

3. Any order issued under this Section of the part shall take effect upon notice, unless the order specifies otherwise.

4. The authority of any duly authorized Liberty Township enforcement officer hereunder to issue an order under this Section of the part shall be in addition to any other remedy or penalty which may be available under law. The failure of any persons to comply with any such order is hereby declared to be a violation of this part.

Criminal Penalties.

Any person who violates any provision of this part or any order a duly authorized officer hereunder issued pursuant to this part, upon conviction thereof before a magistrate district judge in accordance with the Pennsylvania Rules of Criminal Procedure, shall be sentenced to a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a terms of imprisonment not to exceed 90 days. Any other duly authorized officer hereunder is hereby declared to be a law enforcement officer authorized to issue or file citations for summary offense violations under this provision of this part, and the Township Solicitor is hereby authorized to prosecute these offenses. Alternatively, an offense under this provision of the part may be commenced via the filing of a private criminal complaint, the Township Solicitor being expressly authorized to prosecute these

