

ORDINANCE No. 07-1

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of this Municipality and to conform to the requirements of the construction and operation of Outdoor Furnaces within the limits of this municipality; and

WHEREAS, the requirements the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the enforced Code to establish and impose restrictions upon construction and operation of outdoor furnaces.

NOW, THEREFORE, it is hereby enacted and ordained as follows:

1. The Municipality of Paint Township elects to administer and enforce the provisions of the ordinance through local code, as amended from time to time, and its regulations.
 2. Definition:
 - a. The words "Outdoor Furnaces designed for structure heat" shall mean, but is not limited to, any device, appliance, equipment or structure that is designed, intended and / or used to provide heat and/or water to any associated structure.
 - b. Outdoor Furnace operates by burning wood or any other solid fuel including but not limited to pellets and agricultural products.
 - c. Outdoor Furnace shall not be located within the structure to be heated.
 - d. Outdoor Furnaces includes, but not limited to, devices referred to as outdoor furnaces, outdoor boilers and outdoor stoves.
 3. Regulations:
 - a. Outdoor furnaces shall not be placed less than sixty (60) feet from the nearest property line or point of intersection of any adjacent properties.
 - b. An area of twenty (20) feet around the outdoor furnace structure shall be free of vegetation, except grass not exceeding four (4) inches in height.
 - c. Chimney stack of at least twenty (20) feet and/or at least two (2) feet above the roof line of the highest structure within two hundred (200) feet. Said chimney stack shall require a spark arrestor installed at top.
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- d. No fuel other than natural wood, without additive, wood pellets without additive, coal and agricultural seeds in their natural state may be burned.
- e. Minimal lot size of property shall be forty thousand (40,000) square feet.
- f. Outdoor furnaces and associated installation shall be subject to building permits and construction inspections by the local code enforcement agency.
- g. Outdoor furnace installation is subject to the permit provision hereof including and furnishing the following information: A drawing providing and identifying all of the information necessary to assure compliance herewith; Manufacturer's specifications for the furnace; Compliance with all applicable Local, State and Federal statutes.
- h. Use of Outdoor Furnaces shall not be limited to seasonal use. Use of furnaces shall be acceptable for hot water heat source.
- i. This ordinance shall not be a defense to any civil claims.
- j. Existing Outdoor Furnaces shall fall under this ordinance at time of replacement of said unit. Existing furnaces shall be 'grandfathered' in terms locations, permit and construction inspections. Type of fuel use shall continue to be covered under ordinance.

Exceptions:

1. *Deeded Parcel on which Outdoor Furnace is placed is over 10.0 acres would be exempt from chimney height requirements and setbacks from adjacent structures provided the Outdoor Furnace is no closer than a minimum of one-hundred (100) feet from the nearest property line or point of intersection of any adjacent properties.
Outdoor Furnace would require permit and inspection by code enforcement agency. Type of fuel use shall continue to be covered under ordinance.*

4. Enforcement:

- a. Prosecution under this ordinance, the enforcement officer shall give notice to the person charged with violating the ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option

of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last know address. The notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a municipal civil infraction citation.

- b. Ordinance shall be tied to existing Nuisance Ordinance on record in Township.

5. Penalty:


- a. Failure to comply with the requirements of this ordinance shall constitute a Municipal Civil Infraction, which shall be processed under local jurisdiction including assessment and collection of fines and costs. Each day's continued violation shall constitute a separate and distinct offense.
- b. Any person violating this ordinance shall be deemed to have committed a civil infraction, subject to the payment of civil fines of \$50.00 plus costs, for the first violation.
- c. Any repeated offense shall be subject to increased fines as follows: First repeated offense shall be no less than \$150.00 plus costs; A fine for any second repeated offense or any subsequent repeated offense shall be no less than \$250.00 plus costs.

- 6. This ordinance shall be effective seven days after the date of passage of this Ordinance.

- 7. If any section, subsection, sentence, or clause of this ordinance is held, for any reason, to be invalid, such decision or decisions shall not affect the validity of the remaining portions of this ordinance.

DULY ADOPTED By The Board of Supervisors of the Township of Paint on this 2nd day of July, 2007 in lawful session duly assembled.

TOWNSHIP OF PAINT

By  _____

Chairman, Board of Supervisors

By *David C. Bly*
Vice - Chairman, Board of Supervisors

(TOWNSHIP SEAL)

Attest:

Genevieve P. Holm
Secretary, Board of Supervisors