

**BOROUGH OF BRIAR CREEK  
COLUMBIA COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 162-2007**

**AN ORDINANCE OF THE BOROUGH OF BRIAR CREEK, COLUMBIA COUNTY, COMMONWEALTH OF PENNSYLVANIA, AN ORDINANCE DEFINING "OUTDOOR FUEL BURNING APPLIANCES"; REGULATING THESE APPLIANCES AND THE REQUIRED CONDITIONS OF MAINTENANCE AND OPERATION; ESTABLISHING THE PENALTIES FOR VIOLATIONS OF THE ORDINANCE; ESTABLISHING A RIGHT OF ORDINANCE SEVERABILITY AND SETTING FORTH AN ORDINANCE DATE OF EFFECT.**

Under Section 53 P.S. 46202 (6) Health and Cleanliness Regulations...to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough

**BE IT ORDAINED and ENACTED** by the Borough of Briar Creek, Columbia County, Pennsylvania, and it is hereby **ORDAINED and ENACTED** by the authority of the same that the Borough of Briar Creek hereby authorizes the following:

**SECTION 1. PURPOSE AND SCOPE**

- A. Residences, commercial and industrial establishments situated within the Borough are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious odors, noxious fumes and smells, as well as an environment free of stored debris and storage of combustible fuels in adjacent or exposed exterior areas within densely populated areas.**
  
- B. Research indicates that outdoor fuel burning appliances cause emission problems that cross property lines because the smoke stays close to the ground and it can easily reach humans working or playing outdoors or penetrates neighboring buildings. It also causes problems with smoke visibility. The low lying smoke can worsen cardiovascular problems such as angina; irritate eyes and lungs, trigger headaches, worsen respiratory diseases such as asthma, emphysema and bronchitis.**

## **SECTION 2. DEFINITIONS**

### **OUTDOOR FUEL BURNING APPLIANCE**

**A device including any furnace, stove or boiler designed and constructed to burn oil, wood, coal or other fuels manufactured for placement outdoors for the heating of the living area of a structure.**

### **CHIMNEY**

**Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired outdoor heating device, especially that part of such structures extending above a roof.**

## **SECTION 3. REGULATIONS FOR NEW OUTDOOR FUEL BURNING APPLIANCES**

- A. Any new outdoor fuel burning appliance must have or meet the following:**
  - 1. A safe flue or chimney which has a minimum termination height of twenty (20) feet above the natural ground level upon which the appliance is located.**
  - 2. Be located not less than one (100) feet from any property line.**
- B. All outdoor fuel burning appliances are required to meet emission Standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.**
- C. All outdoor fuel burning appliances shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.**
- D. The owner of the outdoor fuel burning appliance shall produce the manufacturer's instructions for all devices that do not conform to the requirements of this Ordinance.**
- E. No homemade outdoor fuel burning appliances will be allowed.**

- F. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor furnaces. The burning in outdoor furnaces of processed wood products and non-wood products, household or other garbage, recyclable material, rubber tires, railroad ties, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing permitted by the manufacturer is prohibited.**
- G. A permit must be acquired prior to installation of any outdoor burning appliance, and an inspection completed prior to the operation of subject appliance. The permit fee is one (\$100.00) hundred dollars and the inspection will be done by the Borough's Zoning Officer.**
- H. Ashes or waste cannot be accumulated in a large area on the property. They must be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with your trash.**
- I. If an outdoor fuel burning appliance is more than fifty (50%) percent torn down, physically deteriorated or decayed, the appliance must be removed and /or replaced with a new unit.**

#### **SECTION 4. REGULATIONS FOR EXISTING OUTDOOR FUEL BURNING APPLIANCES**

- A. All outdoor fuel burning appliances are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future.**
- B. All outdoor fuel burning appliances shall be operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.**
- C. Only natural wood, coal, heating oil, natural gas, kerosene or wood specifically permitted by the manufacturer in writing may be burned in outdoor fuel burning appliances. The burning in outdoor fuel burning appliances of process wood products and non-wood**

products, household or other garbage, recyclable material, rubber tires, railroad ties, leaves, laminated wood, wet or soggy wood, painted or treated wood and any item not specifically and in writing permitted by the manufacturer is prohibited.

- D. If an outdoor fuel burning appliance is more than fifty (50%) percent torn down, physically deteriorated or decayed, the appliance must be removed and /or replaced with a new unit and the new unit must comply all of the regulations of Section 3. of this Ordinance.
- E. Ashes or waste cannot be accumulated in a large area on the property. They may be dispersed on the property as long as no accumulation can be seen (for example: spread in a driveway). Any large accumulation of ashes or waste must be disposed of weekly with your trash.

#### **SECTION 5. ENFORCEMENT**

It shall be the duty of the Borough Zoning Officer to enforce the terms of this Ordinance and secure the requirements thereof.

#### **SECTION 6. PENALTIES**

Any person, firm or corporation who shall violate any provision of this Ordinance, shall upon conviction thereof be sentenced to pay a fine of not more than Five Hundred (\$500.00) Dollars and in default of payment of said fine, to imprisonment for a term not to exceed Ninety (90) Days. Every day that a violation of this Ordinance continues shall constitute a separate offense.

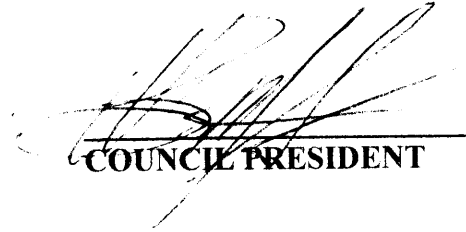
#### **SECTION 7. SEVERABILITY**

If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Borough of Briar Creek that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

#### **SECTION 8. EFFECTIVE DATE**

**This Ordinance shall take effect January 1, 2008.**

**ORDAINED and ENACTED into an ORDINANCE this 5<sup>th</sup> day of December, 2007.**



**COUNCIL PRESIDENT**

**ATTEST:**



**BOROUGH SECRETARY**

**(SEAL)**