

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT PLEASANT  
PERTAINING TO OUTDOOR FIRES AND TO OUTDOOR FURNACES**

**Ordinance 49-11**

**BE IT ORDAINED AND ENACTED**, by the Board of Supervisors of the Township of Mount Pleasant, Columbia County, Pennsylvania, as follows:

**SECTION 1. OUTDOOR FIRES AND OUTDOOR FURNACES**

**§101. PURPOSE**

The purposes of this Ordinance are to prevent private and public nuisances caused by outdoor fires deliberately set and maintained; to avoid unnecessary calls and false alarms to fire companies; to protect respiratory health of Township residents; to provide for public safety; and to minimize adverse impact on neighboring properties created by inappropriate location and improper construction or installation of outdoor solid fuel furnaces.

**102. DEFINITIONS**

Certain words and phrases shall have the following meanings:

**CHIMNEY** – Any vertical structure enclosing a flue or flues that carry off smoke, fumes or exhaust from an outdoor fuel burning appliance, especially that part of such structure extending above the roof.

**CONTAINED FIRE** – any fire contained in an incinerator, fireplace designed for outdoor cooking, fireproof container or metal or masonry constructed enclosure.

**FIRE** – any fire set or maintained outside of any building; provided, however, that an Outdoor Solid Fuel Furnace which meets the requirements of sections 103.10 and 103.11 shall not be considered a fire.

**PERSON** – any individual, public or private partnership or corporation for profit or not for profit, association, firm, trust, estate, department, board, bureau, or agency of the Commonwealth of Pennsylvania or the federal government, political subdivision, district, authority, or any other legal entity whatsoever which is recognized by law as the subject of any of the requirements of this Ordinance.

**UNCONTAINED FIRE** - any fire except a “contained fire”.

**OUTDOOR SOLID FUEL FURNACE** – Any equipment, device, appliance, apparatus or structure which is installed, affixed, or situated outdoors which is used for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source, greenhouse or swimming pool. For purposes of this Ordinance and any other ordinance or regulation applicable in the Township of Mount Pleasant, including but not limited to the Township

Zoning Ordinance and Uniform Construction Code outdoor solid fuel furnaces shall be considered as structures and accessory uses.

**STRUCTURE** – Any man-made object having an ascertainable stationary location on or in land or water, whether or not affixed to the land.

### **§103. GENERAL RESTRICTIONS AND REQUIREMENTS**

1. No fire shall be set or maintained within 20 feet of any building.
2. No fire shall be set or maintained on any public road or public property.
3. No fire shall be set or maintained that may endanger any building or property.
4. No fire shall be set or maintained which affects neighboring properties by discharging obnoxious odors, airborne toxins, dense smoke or fly ash.
5. The burning of any garbage, vegetable waste, rubber, plastics, furniture, glass, metal, car products or any other material which will create nauseous or noxious fumes, dense smoke, toxic chemicals or fly ash is specifically prohibited.
6. The burning of paper, brush, dry grass, leaves or other readily combustible material that will not create nauseous or noxious fumes, dense smoke, toxic chemicals or excess fly ash is allowed in accord with §104 and §105, below.
7. Placing an outdoor furnace within a separate structure does not exempt said furnace from any of the requirements of this Ordinance.
8. After the effective date of this Ordinance, as amended herein, no person shall construct, install, or establish an outdoor solid fuel furnace unless such person has secured from the Township Zoning Officer a permit which documents that such installation will be in full compliance with this Ordinance and all other applicable rules and regulations.
9. All outdoor solid fuel furnaces shall be manufactured, laboratory tested and certified in accordance with appropriate safety standards such as UL (Underwriters Laboratories), CAN/CSA (Canada National Standard / Canadian Standards Association), or ANSI (American National Standards Institute) standards or other appropriate safety standards.
10. All outdoor solid fuel furnaces hereinafter constructed and installed shall comply with the US EPA Phase 2 manufacturing standards.
11. All such facilities shall be constructed, established, installed, operated and maintained in accordance with the manufacturer's instructions and requirements of this Ordinance. In the event of a conflict between the manufacturer's instructions and this Ordinance, the stricter requirements shall apply.
12. Outdoor solid fuel furnaces shall not be used to burn materials other than those recommended by the manufacturer and shall be specifically prohibited from burning rubbish, garbage, food waste, packaging materials, paint, painted wood and materials, furniture, paper, household or business waste, waste oil, asphalt products, shingles, composite wood products, plywood, plastic, polystyrene, foam, synthetic rubber, tires, wood products treated with preservatives or petroleum, railroad ties and such other materials as may contain or generate airborne toxins or hazardous substances.
13. No outdoor solid fuel furnace shall be constructed or operated within 150 feet from any property boundary line.

14. Any outdoor solid fuel furnace shall have a minimum chimney height as specified by the manufacturer, measured from the base of the furnace to the exhaust opening on the chimney.
15. All outdoor solid fuel furnaces shall comply with the air emissions standards for outdoor solid fuel furnaces as promulgated by the U.S. Environmental Protection Agency or Pennsylvania Department of Environmental Protection.
16. All outdoor solid fuel furnace waste and ash shall be disposed of in a manner consistent with the requirements of the Pennsylvania Department of Environmental Protection.
17. Any officer, employee, or agent of Mount Pleasant Township shall be permitted to inspect any property on which an outdoor solid fuel furnace is located for the purpose of ascertaining compliance with the provisions of this Ordinance.
18. Outdoor solid fuel furnaces shall be dismantled, removed entirely from the property, and the site restored to a safe condition within ninety (90) days after it's use has been discontinued or upon inspection and determination by the Township Zoning Officer or Township Building Permit Officer that the outdoor solid fuel furnace poses a safety or health hazard.
19. The Township shall have the right to enter the property and take ash samples to ascertain whether prohibited materials have been burned in the outdoor solid fuel furnace. Should it be determined that prohibited materials have been burned the Township may order dismantling and removal of the outdoor solid fuel furnace and restoration of the site.

#### **§104. APPLICABILITY**

1. Outdoor heating devices which do not involve the combustion of solid fuels, such as cooking stoves, heat pumps, solar energy devices, or other heating devices utilizing electricity, oil, propane or natural gas as fuels are not considered "outdoor solid fuel furnaces" for purposes of this Ordinance and are, therefore, exempt from regulation hereunder.
2. Farm Animal Manure Digesters are not considered "outdoor solid fuel furnaces" for purposes of this Ordinance and are, therefore, exempt from regulation hereunder.
3. Permanent masonry fireplaces and grilles used exclusively for cooking shall not be considered "outdoor solid fuel furnaces" and are exempt from the requirements of this Ordinance.
4. All outdoor solid fuel furnaces, as defined herein, existing within the Township on the effective date of this Ordinance for which a zoning permit had been issued, shall be inspected within ninety (90) days of the effective date of this Ordinance to ascertain whether the preexisting outdoor solid fuel furnace operation complies with Section 103.11 and Section 103.12.
5. All pre-existing outdoor solid fuel furnaces are encouraged to make such modifications as will improve combustion and achieve a higher degree of dispersion of smoke and particulate emissions.
6. The Zoning Officer shall canvass the Township and create a list of all pre-existing outdoor solid fuel furnaces visible from the nearest public road as of the effective date of this Ordinance.

## **§105 PERMITS**

1. In order to obtain a permit for an outdoor solid fuel furnace the property owner shall be required to submit an application and a site plan showing:
  - a. the proposed location of the furnace on the property, and the distances from that location to the boundary lines of the property and to all existing structures on that property and adjacent property. Such information may be hand drawn and depicted on an aerial photograph of the specific parcel obtained using Columbia County on-line mapping tools ([www.columbiapa.org](http://www.columbiapa.org)). If such map is used and if the setback distance from the property line is closer than one hundred sixty-five (165) feet (with 15 feet being the typical margin of error) using the on-line County mapping tools the applicant shall confirm the actual property boundary on the ground and measure the distance for purposes of this requirement.
  - b. a copy of the manufacturer's specifications and instructions for installation and operation;
  - c. payment of the permit fee as may be established by the Board of Supervisors.
2. Following installation of the outdoor solid fuel furnace, and prior to any operation thereof, the property owner shall promptly contact the Township and schedule a site inspection of the furnace and appurtenant structure and facilities as installed to verify compliance with all requirements of this Ordinance and other applicable regulations. Upon verification of satisfactory installation and compliance with all requirements authorization to operate the furnace shall be issued to the property owner.

## **§106 LIABILITY**

Any person operating or maintaining an outdoor solid fuel furnace shall be responsible for all fire suppression costs and any other liability resulting from damage caused by a fire originating in such furnace.

## **§107 PENALTY**

1. Effect of Ordinance: Hereafter, no person shall construct, replace, or modify any outdoor solid fuel furnace except in accordance with the provisions of this Ordinance.
2. Penalties: Any person, partnership, or corporation who, or which being the owner, or contractor, subcontractor, shall upon being found to have failed to fully comply with this Ordinance shall be in violation hereof and shall upon being found liable therefore in a civil enforcement proceeding commenced by Mt. Pleasant Township, pay a judgment of not more than One Thousand (\$1,000.00) Dollars, plus all court costs, including reasonable attorney fees incurred by Mt. Pleasant Township as a result thereof. All fines collected for such violation shall be paid over to Mt.

Pleasant Township. No judgment shall commence or be imposed, levied or payable until the date of the determination of a violation by the Magisterial District Judge. If the Defendant neither pays nor files a timely appeal of the judgment, Mt. Pleasant Township shall enforce the judgment pursuant to the applicable Rules of Civil Procedure. Each day that a violation continues shall constitute a separate violation, unless the Magisterial District Judge determining that there has been a violation, further determines that there was a good faith basis for the Defendant violating this Ordinance to have believed that there was no such violation, in which event there shall be deemed to have been only one such violation until the fifth day following the date of the determination of the violation of the Magisterial District Judge and thereafter each day that a violation continues shall constitute a separate violation.

3. Nothing contained in this Ordinance shall be construed or interpreted to grant to any person or entity other than Mt. Pleasant Township and its designee the right to commence any action for enforcement pursuant to this Ordinance.

**§108 EFFECTIVE DATE**

**This Ordinance shall take effect thirty (30) days from the date of enactment.**

BOARD OF SUPERVISORS OF  
MT. PLEASANT TOWNSHIP

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Vice Chairman

\_\_\_\_\_  
Supervisor

ATTEST:

\_\_\_\_\_  
Secretary

(SEAL)