

TOWNSHIP OF HEIDELBERG,
BERKS COUNTY, PENNSYLVANIA

ORDINANCE NO. 2013-#167

AN ORDINANCE OF THE TOWNSHIP OF HEIDELBERG,
BERKS COUNTY, PENNSYLVANIA, REGULATING OUTDOOR
SOLID FUEL BURNING APPLIANCES WITHIN THE TOWNSHIP

Be it enacted and ordained by the Board of Supervisors of Heidelberg Township, Berks County, Pennsylvania, and it is hereby enacted and ordained by the authority of the same as follows:

Section 1. Applicability. This Ordinance applied to all outdoor solid fuel burning furnaces, boilers and appliances within the Township of Heidelberg.

- (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 or structure 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.

Section 2. Definitions.

- (a) "Outdoor Solid Fuel Burning Appliance", referred to hereinafter as "Appliance", means any equipment, device or apparatus which is installed, affixed or situated outdoors, including, but not limited to, furnaces and boilers, and not situated within a building intended to habitation by humans or domestic animals, which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system, or component thereof, which provides

heat or hot water to the principal structure, to a structure used for human or animal habitation, or to any accessory uses or structures, including, but not limited to, greenhouses, conservatories and swimming pools.

(b) “Chimney” means any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an Appliance.

Section 3. Materials That May Not Be Burned.

(a) The following items are prohibited from being burned within the Township of Heidelberg: roof shingles, tires, paint or paint cans, aerosol or spray cans, plastic, rubber, fiberglass, or any other polymers, pressure-treated wood or any wood treated with CCA, creosote or OSMOSE. No human or animal waste or any other substances which emit noxious or toxic fumes and smoke shall be burned. Recyclable materials may not be burned in accordance with Heidelberg Township’s Recycling Ordinance.

Section 4. Regulations for Existing Appliances.

(a) All owners/operators of existing Appliances shall apply for a permit for the Appliance in accordance with the permit requirements contained in Section 6 hereof within sixty (60) days of the adoption of this Ordinance.

(b) Any and all existing Appliances shall be brought into full compliance with the provisions of Section 5 of this Ordinance, except subsections (b) and (c) of Section 5, within ninety (90) days from the effective date of this Ordinance.

Section 5. Use of Appliances. An Appliance may be used in the Township of Heidelberg only in accordance with the following provisions:

(a) An Appliance shall not be used to burn any of the prohibited materials listed in Section 3 of this Ordinance.

(b) An Appliance located within any Zoning District for the Township shall be not less than one hundred fifty feet (150') from any lot line. If all other requirements of this Ordinance are met, Appliances may be used within one hundred fifty feet (150") from any lot line in the AP Agricultural Preservation Zoning District of the Township, subject to approval on a case by case basis by the Board of Supervisors based upon information submitted by the proposed user of the Appliance and found to be satisfactory by the Board of Supervisors that no adverse impact to adjoining or nearby properties is likely to occur as a consequence of using the Appliance on the smaller lot.

(c) An Appliance shall have a minimum chimney height of twenty feet (20') measured from the ground elevation of the Appliance or the minimum height allowable by the manufacturer. If less than twenty feet (20'), the owner/operator must provide to the Township documentation from the manufacturer confirming the minimum height guideline for the make and model. In addition, the Appliance must meet all Pennsylvania Construction Code and NFPA Fire Code regulations; of the Pennsylvania Construction Code or NFPA Fire Code regulations are more restrictive than the Township or manufacturer's standards, then the Pennsylvania Construction Code or NFPA Fire Code regulations shall be followed.

(d) All Appliances shall comply with emissions standards as required for Appliances, as promulgated by the Pennsylvania Environmental Protection (PADEP) and by the United States Environmental Protection Agency (EPA). For purposes of this Ordinance, all emission standards currently required by the PADEP and the EPA are hereby adopted by reference as well as any amendments or modifications made to them hereafter.

(e) An Appliance shall be installed, operated and maintained in strict compliance with the manufacturer's instructions and guidelines for the said Appliance. In the event that a

conflict arises between the manufacturer's instruction and guidelines, and the regulations contained in this Ordinance, the stricter instruction, guideline or regulations shall apply.

(f) All ashes or waste may be disbursed on the property where the Appliance is located; provided, however, that such disbursal shall not be permitted to result in the blowing or washing of any of the ashes or waste onto any other property. Any large accumulation of ashes or waste exceeding five (5) yards per burn cycle or per week must be disposed of in a manner approved by the Township of Heidelberg and/or the PADEP.

(g) All Appliances shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure pursuant to a permit issued hereunder, including residential swimming pools.

(h) In the event that the Appliance is damaged more than fifty percent (50%), or it is physically deteriorated or decayed, the said Appliance must be removed and/or replaced with a new unit within sixty (60) days of the date that notice is received from the Township of Heidelberg. In such event, all provisions of this Ordinance, including, but not limited to, permitting procedure shall be complied with.

Section 6. Permits.

(a) No person shall install, start or maintain an Appliance without first obtaining a permit issued by the Township of Heidelberg.

(b) Before a permit can be issued hereunder, an inspection of the proposed installation shall be required. In addition, a site plan is required showing the location of the proposed Appliance on the property, location and height of all existing structures on the property, and distances from the Appliance to existing structures on the property, the area of the lot on which the Appliance is proposed to be installed, and distances from the Appliance to all lot

boundaries. The manufacturers' specifications and instructions shall also be furnished to the Township before a permit can be issued.

(c) A permit may be issued under this Ordinance no sooner than two (2) weeks after the Township receives evidence from the Applicant for the permit that a certified letter has been mailed and delivered to the owner of each adjoining property notifying each such adjoining owner that the Applicant is applying for a permit under this Ordinance, and that a copy of the application may be examined at the Township building.

(d) A permit can only be issued if all requirements contained in this Ordinance are strictly complied with.

(e) Any violation of the aforementioned conditions shall be deemed a violation of this Ordinance. Any violation of this Ordinance or the issued permit shall void the permit.

(f) The fee for a permit shall be determined by resolution of the Board of Supervisors from time to time pursuant to the Township Fee Schedule.

Section 7. Liability. A person utilizing or maintaining an Appliance shall be responsible for all fire suppression costs and any other liability resulting from damage caused by a fire.

Section 8. Right of Entry and Inspection. Any Zoning and Code Enforcement Officer of the Township may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance. If access is denied, access shall be obtained pursuant to applicable laws of the Commonwealth of Pennsylvania.

Section 9. Enforcement and Penalties.

(a) The Zoning and Code Enforcement Officer of the Township of Heidelberg is authorized to enforce any provisions of this Ordinance.

(b) 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 and 00/100 Dollars (\$500.00), and in default of payment of said fine, be subject to imprisonment for a term of not more than thirty (30) days. Every day that a violation of this Ordinance continues shall be deemed to be and shall constitute a separate offense hereunder.

(c) This Ordinance shall be governed by the laws of the Commonwealth of Pennsylvania.

Section 10. 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 party of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township of Heidelberg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

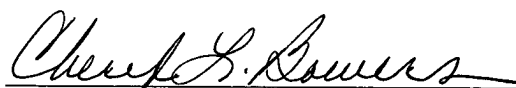
Section 11. Effective Date. This Ordinance shall become effective five (5) days after enactment as provided by law.

ENACTED AND ORDAINED this 25 day of July, 2013.

HEIDELBERG TOWNSHIP
BOARD OF SUPERVISORS


Chairman

ATTEST:

 (SEAL)
Township Secretary