

COUNCIL BILL NO. 1786, AS AMENDED

INTRODUCED BY RANDY E. SCHMIDT

ORDINANCE NO. 1699

AN ORDINANCE

AN ORDINANCE OF THE CITY OF DUBOIS, CLEARFIELD COUNTY, PENNSYLVANIA, AMENDING CHAPTER 7 OF THE CODE OF ORDINANCES OF THE CITY OF DUBOIS TO ADD PART 3, REGULATING THE USE OF OUTDOOR FURNACES AND PROVIDING A PENALTY FOR VIOLATION OF SUCH REGULATIONS.

WHEREAS, the City of DuBois has experienced an increase in neighborhood complaints regarding smoke and odors emanating from outdoor furnaces, particularly those involving furnaces used to heat buildings; and

WHEREAS, the burning of materials other than natural wood and coal products in said furnaces creates dense, odorous smoke which constitutes a nuisance in residential neighborhoods; and

WHEREAS, City Council has determined that reasonable regulations are necessary in order to protect neighborhoods from the occurrence of such nuisances; and

WHEREAS, the City of DuBois desires to regulate the use of such outdoor furnaces and to impose criteria for the operation of the same so as to protect the health, safety and welfare of its residents.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the City of DuBois, and it is hereby ordained and enacted by the authority of the same as follows:

SECTION 1. The definition of "outdoor furnace" is as follows: "Any equipment, device, apparatus, or any part thereof, which is installed, affixed or situated outdoors for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for an interior space or water source."

SECTION 2. Manufacturer's Specifications:

All outdoor furnaces shall be installed, operated and maintained in accordance with the manufacturer's specifications and the regulations promulgated hereunder including the "Outdoor Furnace Best Burn Practices" in Appendix "A" attached hereto and made a part hereof. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter than the regulations promulgated hereunder, in which case the manufacturer's instructions shall apply.

SECTION 3. Times of Operation:

a. No contained fires shall be permitted to burn or smolder between the hours of 1:00 a.m. and 9:00 a.m. unless the contained fire is located within an approved, permitted outdoor furnace used for the sole purpose of providing heat, or heating potable water for a building unit.

b. Outdoor furnaces are prohibited to burn from May 1st until October 30th of each calendar year unless being used for the sole purpose of providing heat for the building unit that it serves, or heating potable water for use in the building unit that it serves.

SECTION 4. Fuels:

Fuel used in outdoor furnaces shall be only natural, untreated wood or wood specifically permitted by the manufacturer such as coal, fuel oil, natural gas, or kerosene. The following fuels are prohibited: processed wood products and other non-wood products, garbage, recyclable material, painted and/or treated wood, and any other item not specifically allowed by the manufacturer or this Section of the Ordinance.

SECTION 5. Locations:

a. All outdoor furnaces shall be considered an accessory structure, located on the same lot as the building that such furnace serves.

b. All outdoor furnaces must be located within 30 feet of the building that such furnace serves but not closer to any property line than the setback distances for accessory structures allowed in the zoning district in which such outdoor furnace is located.

c. Outdoor furnaces shall be prohibited in any O-I office district or within 5,000 feet of any medical or medical arts facility, nursing home or school.

d. The minimum required lot size for an outdoor furnace shall be 50,000 square feet.

SECTION 6. Permits:

a. No person shall allow, maintain or use an outdoor furnace within the City of DuBois without first having obtained a permit from the City's Code Enforcement Officer on the forms prescribed by such official. The fee for this permit shall be set and revised from time to time by resolution of the Council of the City of DuBois.

b. All existing outdoor furnaces shall immediately comply with all manufacturer's specifications and all other provisions of this Ordinance including, but not limited to, Section 4 pertaining to fuel.

c. A permit may be suspended in the event that the owner fails to comply with any provision of this Ordinance.

SECTION 7. Penalties:

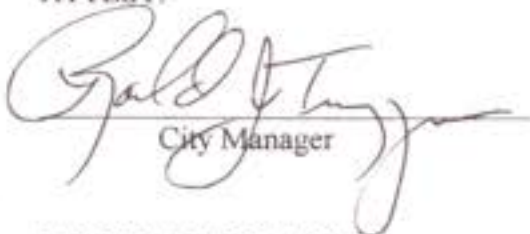
Any person who shall violate any provision of this Ordinance shall, upon conviction thereof, be sentenced to pay a fine of not less than \$250.00 nor more than \$2,500.00 plus costs and, in default of payment, to imprisonment for a term not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

SECTION 8. All other Ordinances or parts of Ordinances or Resolutions in conflict herewith be and the same are herewith repealed. All other provisions of Chapter 7 of the Code of Ordinances not in conflict herewith are hereby reaffirmed and re-ratified as if set forth at length herein.

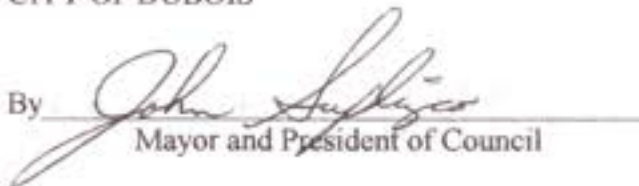
SECTION 9. The within Ordinance shall be effective upon final enactment hereof.

Ordained and enacted by the City Council of the City of DuBois in lawful session
 assembled this 23rd day of January, 2006.

ATTEST:


 City Manager

CITY OF DUBOIS

By 
 Mayor and President of Council

PASSED BY COUNCIL:

January 23, 2006

OUTDOOR FURNACE BEST BURN PRACTICES

1. Read and follow all operating instructions supplied by the manufacturer.
2. FUEL USED: Only those listed fuels recommended by the manufacturer of your unit. Never use the following: trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particleboard, railroad ties and pressure treated wood), leaves, paper products and cardboard.
3. LOADING FUEL: For a more efficient burn, pay careful attention to loading times and amounts. Follow the manufacturer's written instructions for recommended loading times and amounts.
4. STARTERS: Do not use lighter fluids, gasoline or chemicals.
5. LOCATION: The unit must be located with due consideration of the prevailing wind direction.
 - * If located 50 feet or less to any residence not served by the furnace, the stack must be at least 2 feet higher than the eave line of that residence.
 - * If located more than 50 feet but no more than 100 feet to any residence, the stack must be at least 75% of the height of the eave line of that residence, plus an additional 2 feet.
 - * If located more than 100 feet but no more than 150 feet to any residence, the stack must be at least 50% of the eave line of that residence, plus an additional 2 feet.
 - * If located more than 150 feet but no more than 200 feet to any residence, the stack must be at least 25% of the height of the eave line of that residence, plus an additional 2 feet.
6. Always remember to comply with all applicable state and local codes.

APPENDIX "A"