

**BARRETT TOWNSHIP  
MONROE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 158**

**AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING REGULATIONS GOVERNING OUTDOOR WOOD-FIRED BURNERS.**

**BE IT ORDAINED AND ENACTED** by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, pursuant to the general powers permitted by the Second Class Township Code (53 P.S. § 65101), the following:

**SECTION 1. – TITLE.**

This Ordinance shall be known and may be cited as the “Barrett Township Outdoor Wood-Fired Burners Ordinance.”

**SECTION 2. – DEFINITIONS AND WORD USAGE.**

In this Ordinance the following terms shall have the following meanings:

**CLEAN WOOD** – wood that has no paint, stains, or other types of coatings, and wood that has not been treated with substances, including but not limited to, copper arsenate, creosote, or pentachlorophenol, and wood pellets made from clean wood.

**CODE ENFORCEMENT OFFICER** - The Zoning Officer or other person appointed by the Board of Supervisors to administer and enforce this Ordinance whose duties shall include responding to resident questions and complaints and performing other tasks as the Board of Supervisors may assign.

**OUTDOOR WOOD-FIRED BURNER** – a fuel burning device designed to (1) burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space and/or water via the distribution, typically through pipes, of a fluid heated in the device, typically water or a water/antifreeze mixture.

**PERSON** - Any individual, firm, partnership, corporation, association, institution, cooperative enterprise, municipality, municipal authority, governmental entity or agency, or any other legal entity whatsoever which is recognized by law as the subject of rights and duties.

**TOWNSHIP** – Barrett Township, Monroe County, Pennsylvania.

### **SECTION 3.—INSTALLATION OF OUTDOOR WOOD-FIRED BURNERS.**

Any person desiring to install an outdoor wood-fired burner within the Township shall obtain a permit from the Code Enforcement Officer and shall pay a permit fee set by the Board of Supervisors by resolution. The applicant for such a permit shall:

1. Present a plan showing all property lines, the locations of all dwellings or occupied buildings on adjoining properties, and the proposed location of the outdoor wood-fired burner. The minimum lot area of the lot on which the outdoor wood-fired burner may be located is two (2) acres.
2. Locate the outdoor wood-fired burner at least 200 feet any occupied structure not located on the lot on which the outdoor wood-fired burner will be located.
3. Locate the outdoor wood-fired burner at least 100 feet from all property lines.
4. Present evidence that the applicant has obtained a zoning permit for the proposed outdoor wood-fired burner.
5. Present evidence that the applicant has obtained a Uniform Construction Code permit for the installation of the outdoor wood-fired burner and its connection to the mechanical system of the structure it will serve.
6. Provide a copy of the manufacturer's specification and instructions, which applicant agrees to comply with and not alter at any time.
7. Demonstrate that the outdoor wood fire burner has been laboratory tested and listed to appropriate safety standards such as UL (Underwriters Laboratories) or ANSI (American National Standards Institute) standards.

The application shall be signed by all owners of the lot on which the outdoor wood-fired burner will be located and the contractor installing the outdoor wood-fired burner.

### **SECTION 4.—USE OF OUTDOOR WOOD-FIRED BURNERS.**

1. The only substances that may be burned in an Outdoor Wood-Fired Burner are clean wood or any manufacturer-approved substance.
2. No person shall burn any of the following in an outdoor wood-fired burner:
  - A. Any wood that does not meet the definition of clean wood.
  - B. Tires.
  - C. Lawn clippings or yard waste.
  - D. Materials containing plastic.
  - E. Materials containing rubber.
  - F. Waste petroleum products.

- G. Paints and paint thinners.
- H. Any type of paper.
- I. Construction and demolition debris.
- J. Plywood.
- K. Particleboard.
- L. Manure.
- M. Animal carcasses.
- N. Asphalt products.
- O. Used cooking oils.

3. The outdoor wood-fired burner shall at all times be operated and maintained in accordance with manufacturer's specifications.

4. The outdoor wood-fired burner shall be maintained and operated in compliance with all emissions of air quality standards promulgated by the U.S. Environmental Protection Administration, the Pennsylvania Department of Environmental Protection or other relevant state or federal agency.

5. The emissions from the outdoor wood-fired burner shall not interfere with the reasonable enjoyment of life or property of neighbors, cause damage to vegetation or property of neighbors, or be harmful to human or animal health.

6. Any ash or other by products of the operation of the wood-fired burner shall be disposed of in accordance with any applicable law.

#### **SECTION 5. – PENALTIES.**

Any person who shall violate any provision of this Ordinance shall, upon conviction thereof in an action brought in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, be sentenced to pay a fine of not less than one hundred dollars (\$100.00) and not more than one thousand dollars (\$1,000.00) plus costs. Each day that a violation of this Ordinance continues or each Section of this Ordinance which shall be found to have been violated shall constitute a separate offense.

#### **SECTION 6. – TOWNSHIP EXEMPT FROM LIABILITY.**

The Township, and its agents, officials and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the issuance of any permit under the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance. The person or party responsible for any such fire shall bear sole liability for any damages caused as a result thereof.

#### **SECTION 7. – SEVERABILITY. -**

The provisions of this Ordinance are severable. If any sentence, clause or section is for any reason found to be unconstitutional, illegal or invalid, such decision shall not affect the validity

of any of the remaining provisions of this Ordinance. It is hereby declared as the legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provisions had not been included herein.

**SECTION 8. – REPEALER. -**

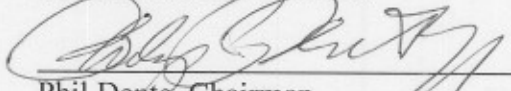
All ordinances or parts of ordinances in conflict herewith shall be and the same are hereby repealed.

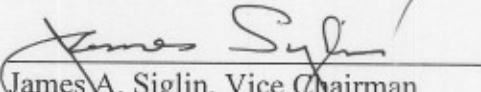
**SECTION 9. – EFFECTIVE DATE. -**

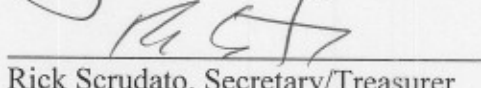
This Ordinance shall take effect five (5) days after the date of its enactment.

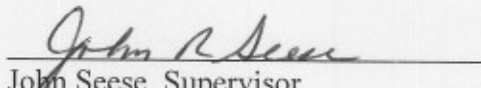
**ORDAINED AND ENACTED** into an Ordinance at a regular meeting of the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, this 11 day of June, 2008.

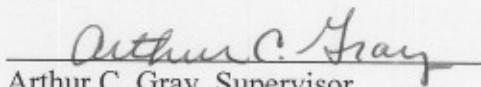
**BOARD OF SUPERVISORS OF  
BARRETT TOWNSHIP**

  
Phil Dente, Chairman

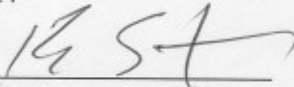
  
James A. Siglin, Vice Chairman

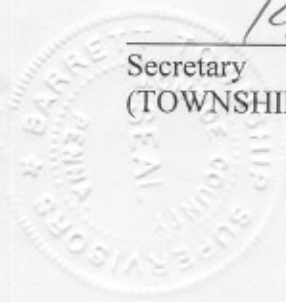
  
Rick Scudato, Secretary/Treasurer

  
John Seese, Supervisor

  
Arthur C. Gray, Supervisor

ATTEST:

  
Secretary  
(TOWNSHIP SEAL)



**IN RE: AN ORDINANCE OF THE TOWNSHIP OF BARRETT, COUNTY OF MONROE, AND COMMONWEALTH OF PENNSYLVANIA, PROVIDING REGULATIONS GOVERNING OUTDOOR WOOD-FIRED BURNERS.**

**CERTIFICATION**

I hereby certify that the attached Ordinance is a true and correct copy of an Ordinance enacted by the Board of Supervisors of Barrett Township, Monroe County, Pennsylvania, on the 11 day of June, 2008.



(TOWNSHIP SEAL)

A handwritten signature in black ink, appearing to read 'R. Scudato', written over a horizontal line.

Rick Scudato, Secretary  
Barrett Township Board of Supervisors  
R.R. 2, Box 2337  
Cresco, PA 18326