

## ORDINANCE 2008-03

### AN ORDINANCE OF THE BOROUGH OF CLARKS SUMMIT REGULATING THE INSTALLATION OF OUTDOOR FUEL BURNING FURNACES AND/OR APPLICANCES

BE IT ORDAINED AND ENACTED BY THE BOROUGH OF CLARKS SUMMIT, and it is hereby enacted by the authority of the same that the Borough hereby authorizes the following:

**Section 1. Definition.** An outdoor fuel burning furnace and/or appliance is a device constructed to burn oil, wood, coal or other fuels manufactured for placement outdoors for the heating of the living area of a structure.

**Section 2. Prohibition.** All outdoor fuel burning furnaces and/or appliances are hereby prohibited within the Borough.

**Section 3. 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 THREE HUNDRED (\$300.00) DOLLARS per day, plus legal costs, and in default of payment of said fines, to imprisonment for a term not to exceed NINETY (90) days.

**Section 4. Severability.** If any sentence, clause, section or part of this Ordinance is for any reason be 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 the Ordinance. It is hereby declared as the intent of the Borough that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

**Section 5. Grandfather Clause.** This Ordinance shall not be construed to be retroactive and shall not require the removal of any outdoor fuel burning furnace and/or appliance in existence

within the Borough at the effective date of this Ordinance. All outdoor fuel burning furnaces and/or appliances in existence at the effective date of this ordinance shall have or must erect a flue or chimney which has a minimum termination height of twenty (20) feet above the top of the furnace and/or appliance. If an outdoor fuel burning furnace and/or appliance is more than fifty (50) percent torn down, physically deteriorated or decayed, any rebuilding or restoration of said outdoor fuel burning furnace and/or appliance shall be a violation of this Ordinance.

Additionally, at all times the “Grandfathered” outdoor fuel burning furnace and/or appliance must meet at least the minimum Environmental Protection Agency (EPA) standards in existence at the time. If an outdoor fuel burning furnace and/or appliance does not meet the minimum EPA standards, said outdoor fuel burning furnace and/or appliance shall be a violation of this Ordinance.

ORDAINED at a duly assembled public meeting held this 7<sup>th</sup> day of May, 2008.

\_\_\_\_\_  
Germaine Carey, President  
Clarks Summit Borough Council

ATTEST:

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Virginia Kehoe,  
Borough Secretary/Manager

\_\_\_\_\_  
Harold P. Kelly  
Clarks Summit Borough

Passed by Clarks Summit Borough Council on **this 7<sup>th</sup> day of May 2008**, receiving the affirmative votes of \_\_\_\_\_ negative votes of \_\_\_\_\_.