

**BOROUGH OF SYKESVILLE**  
**ORDINANCE NO 405 OF 2009**

AN ORDINANCE OF THE BOROUGH OF SYKESVILLE, JEFFERSON COUNTY, PENNSYLVANIA, REGULATING OUTDOOR WOOD-FIRED HYDRONIC HEATERS (OWHH) (Referred to as OUTDOOR WOOD BOILERS OR OUTDOOR WOOD-FIRED HYDRONIC HEATERS OR OUTDOOR HYDRONIC HEATERS), PROVIDING FOR STANDARDS OF OPERATION, LOCATION AND PENALTIES FOR VIOLATION THEREOF.

WHEREAS, the members of the Sykesville Borough Council have received complaints regarding the operation of Outdoor Wood-Fired Hydronic Heaters; and

WHEREAS, these complaints primarily involve the releasing into the atmosphere of smoke, foul-smelling odors and fumes which cross property lines; and

WHEREAS, the Borough of Sykesville wants to promote the health, safety, and welfare of its citizens; and

WHEREAS, the United States Environmental Protection Agency (EPA) has promulgated a voluntary commission program by the manufacturers of Outdoor Wood-fired Hydronic Heaters to reduce emissions and the Phase 2 voluntary standards have been established;

AND NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Sykesville Borough Council, pursuant to the powers granted to it in the BOROUGH CODE and other lawful Acts as follows:

1. Purpose and Scope.

a. Due to many factors, Outdoor Wood-Fired Hydronic Heaters (OWHH) are increasingly becoming a primary method of heating homes and other buildings in the winter and providing hot water year round. The basic design of some OWHH's on the market today can cause the fuel to burn incompletely, resulting in thick smoke and high particulate emissions. The problem is exacerbated when other materials such as wet wood and trash are burned. Further, the short stack heights of OWHH's and reduced draft may fail to disperse the smoke adequately, resulting in concentrated pollution at lower heights, impacting residents and neighbors. As is true for many similar emissions, smoke from OWHH's can cause a range of harmful health effects.

b. The Borough finds that technologies are emerging that will result in cleaner burning and more efficient Outdoor Wood-Fired Hydronic Heaters. Requiring new Outdoor Wood-Fired Hydronic Heaters to incorporate these technologies will enhance the desirability of their use. This is consistent with a sound energy policy that promotes indigenous, renewable energy sources.

## 2. Definitions.

*Chimney* – A tube attached to an Outdoor Wood-Fired Hydronic Heater for the purpose of channeling fumes, smoke and odors away from the Outdoor Wood-Fired Hydronic Heaters.

*Outdoor Wood-Fired Hydronic Heater* – Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily hand-loaded for the 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. An Outdoor Wood-Fired Hydronic Heater may also be referred to as an Outdoor Wood Boiler, Outdoor Wood-Fired Heater or Outdoor Hydronic Heater. Any Outdoor Wood-Fired Hydronic Heater which is installed in an enclosure will still be considered to affixed or situated outdoors even though it is installed in an enclosure.

*Person* – Any individual, partnership, firm or co-partnership, association, company, trust, corporation, department, bureau, agency, private or municipal corporation, or any political subdivision of the Commonwealth, the United States or political subdivision or agencies thereof, or any other entity recognized by law as subjects to the rights and duties. Use of the singular herein shall include the plural.

*Smoke* – Any by-product, whether visible or not visible, produced by the combustion or burning of any material when operating an outdoor furnace.

*Existing Outdoor Wood-Fired Hydronic Heater* – an Outdoor Wood-Fired Hydronic Heater that was purchased and installed prior to the effective date of this ordinance.

*New Outdoor Wood-Fired Hydronic Heater* – An Outdoor Wood-Fired Hydronic Heater that is first installed, established or constructed after the effective date of this ordinance.

*Natural Wood* – Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

*EPA OHH Phase 2 Program* – EPA OHH (Outdoor Hydronic Heater) Phase 2 Program administered by the United States Environmental Protection Agency and that has a particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly.

*EPA OHH Phase 2 Program Qualified Model* – An Outdoor Wood-Fired Hydronic Heater that has been EPA OHH Phase 2 Program qualified. The model has met the EPA OHH Phase 2 emission level and is labeled accordingly.

*EPA OHH Future Model* – EPA approved model that has a particulate emission level lower than 0.32 pounds per million British Thermal Units output and is labeled accordingly.

### 3. Regulations for Outdoor Wood-Fired Hydronic Heaters (OWHH)

a. No person shall, from the effective date of this ordinance, construct, install, establish, operate or maintain an Outdoor Wood-Fired Hydronic Heater other than in compliance with the applicable sections of this ordinance.

b. No person shall, from the effective date of this ordinance, operate an existing Outdoor Wood-Fired Hydronic Heater unless such operation conforms with the manufacturer's instructions regarding such operation and maintenance and the requirements of this ordinance regarding fuels that may be burned in an Outdoor Wood-Fired Hydronic Heater as set forth in sections 4a, 4b. The chimney must be at least twenty (20) feet high.

c. All new Outdoor Wood-Fired Hydronic Heaters shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are more strict, in which case the manufacturer's instructions shall apply.

d. The owner of any new Outdoor Wood-Fired Hydronic Heater shall produce the manufacturer's owner's manual and installation instructions to the Sykesville Borough Code Enforcement Office for review prior to installation. The owner of any existing Outdoor Wood-Fired Hydronic Heater shall produce the owner's manual and installation instructions if requested to allow the Sykesville Borough Code Enforcement Officer to verify the installation and operation is in accordance with said manual and instructions.

e. All new Outdoor Wood-Fired Hydronic Heaters shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standard.

f. New or existing Outdoor Wood-Fired Hydronic Heaters not meeting or exceeding EPA OHH Phase 2 Program standards and located in Sykesville Borough shall be operated only between September 15 and May 15 for the purpose of heating the residential structure. If the Outdoor Wood-Fired Hydronic Heater is used for heating domestic water for residential purposes, including providing heated water for swimming pools, the Outdoor Wood-Fired Hydronic Heater may be operated during the hours of 7 a.m. until 5 p.m. from May 16 through September 14. If the Outdoor Wood-Fired Hydronic Heater is used for heating domestic water for residential purposes, including providing heated water for swimming pools, a burst valve must be installed.

g. All fuel to be burned in a new or existing Outdoor Wood-Fired Hydronic Heater shall be neatly stacked or stored under cover. All ashes or other waste by-products of fuel burned in a new or existing Outdoor Wood-Fired Hydronic Heater, other than smoke or other emissions, cannot be accumulated by the owner. Ashes and other waste by-products must be disposed of on a regular basis according to law.

#### 4. Substantive Requirements.

Outdoor Wood-Fired Hydronic Heaters shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

a. Fuel burned in any new or existing Outdoor Wood-Fired Hydronic Heater shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions.

b. The following fuels are strictly prohibited in new and existing Outdoor Wood-Fired Hydronic Heaters:

1) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contain resins or glues, as in plywood or other composite wood products.

2) Rubbish or garbage, including but not limited to, food wastes, food packaging and food wraps.

3) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fibers, plastic films and plastic containers.

4) Rubber, including tires or other synthetic rubber-like products.

5) Newspaper, cardboard, or any paper with ink or dye products.

6) Any other items not specifically approved and recommended by the manufacturer, or which may be dangerous to the health of an average person or cause poor visibility on any highway, street or alley within the Borough of Sykesville.

c. Setbacks for any new Outdoor Wood-Fired Hydronic Heater NOT EPA OHH Phase 2 Program Qualified are as follows:

1) The Outdoor Wood-Fired Hydronic Heater shall be located at least 50 feet from the property line.

2) The Outdoor Wood-Fired Hydronic Heater shall be located at least 100 feet from any residence that is not served by the applicant's Outdoor Wood-Fired Hydronic Heater.

3) The Outdoor Wood-Fired Hydronic Heater shall be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

d. Chimney heights for any new Outdoor Wood-Fired Hydronic Heater shall extend at least 2 feet above the peak of any residence not served by the Outdoor Wood-Fired Hydronic Heater located within 300 feet of such Outdoor Wood-Fired Hydronic Heater.

e. Setbacks for new EPA OHH Phase 2 Program qualified models or future EPA approved models that have a particulate emission level lower than 0.32 pounds per million BTU heat output shall be as follows:

1) The Outdoor Wood-Fired Hydronic Heater shall be located at least 25 feet from the property line.

2) The Outdoor Wood-Fired Hydronic Heater shall be located at least 50 feet from any residence that is not served by the applicant's Outdoor Wood-Fired Hydronic Heater.

3) The Outdoor Wood-Fired Hydronic Heater shall be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

f. Chimney Heights for new EPA OHH Phase 2 Program qualified models are as follows:

1) If there are residences not served by the Outdoor Wood-Fired Hydronic Heater within 100 feet, the chimney shall be 2 feet higher than the peak of the residence served or not served, whichever is greater. Additionally, the EPA OHH Phase 2 Program qualified model chimney shall extend at least 2 feet above the peak of the residence for which it serves if any neighboring residences not served by the Outdoor Wood-Fired Hydronic Heater is located within 300 feet.

#### 5. Right of Enter and Inspection.

Any authorized officer, agent, employee or representative of the Borough of Sykesville who presents proper credentials 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 the applicable law of the Commonwealth of Pennsylvania.

#### 6. Permit.

##### A. Existing Units

Any person that wishes to continue using an Outdoor Wood Boiler installed prior to the effective date of this ordinance must apply for a permit from the Sykesville Borough Code Enforcement Office within three months of the effective date.

Said permit application shall include:

- Submission of a written application on a form provided by the Code office;
- Payment of the permit application fee. This fee shall be waived if the applicant for the permit submits the permit application within the three month period stipulated above;
- An informal plan depicting the location of the Outdoor Wood-Fired Hydronic Heater in relation to the facility that it serves and all other occupied or unoccupied structures within 300 feet of the existing Outdoor Wood-Fired Hydronic Heater.

#### B. New Units

No person shall install or cause to be installed an Outdoor Wood-Fired Hydronic Heater after the effective date of this ordinance without first obtaining a permit from the Code Office. The permit process shall include submission of a written application on a form provided by the Code Office, a suitable plan meeting the requirements set forth below, and payment of the permit application fee established by the Borough.

The proposed Outdoor Wood-Fired Hydronic Heater shall be 1) listed to an appropriate safety standard, such as Underwriters Laboratory (UL), American National Standards Institute (ANSI) of the Canadian Standards Association (CAN/CSA); 2) meet the EPA's Phase 2 (white hang tag) Program Standards for air emissions, and 3) if it is not EPA Phase 2 Program Qualified, the model must also be installed under the appropriate sections of this ordinance.

Plans for the location and installation of any outdoor wood boiler to be installed after the effective date of this ordinance shall be drawn at a scale of one inch = 20 feet for plot plans and a smaller scale to be approved by the Code Officer for details of Outdoor Wood-Fired Hydronic Heater components, and shall include a description of the following:

- \* The legal boundaries of the lot to be served;
- \* The location of all dwelling(s) and building(s) existing and proposed on the lot to be served by the Outdoor Wood-Fired Hydronic Heater;
- \* The locations of all known easements and rights of way on the lot to be served;
- \* The location of all components of the Outdoor Wood-Fired Hydronic Heater, including but not limited to underground electric lines, fluid lines or duct work;
- \* The proposed Outdoor Wood-Fired Hydronic Heater stack height;
- \* The location of all roads, pass ways and rights of way within 100 feet of the proposed Outdoor Wood-Fired Hydronic Heater;
- \* The location of all dwelling(s) and building(s) existing within 300 feet of the proposed Outdoor Wood-Fired Hydronic Heater, whether or not on the lot to be served by the Outdoor Wood-Fired Hydronic Heater.

Installation must be completed within six (6) months of the issuance of the permit. A permit may be suspended by the Code Enforcement Officer in the event the Permittee fails to comply with any provisions of this ordinance, including amendments thereto.

7. Enforcement.

This ordinance may be enforced by the Code Enforcement Officer of the Borough of Sykesville and/or the Borough of Sykesville Police Department and/or any legally certified code inspector for the Borough of Sykesville.

8. Penalty.

Any violation of any provision of this Ordinance shall be a summary offense. Upon conviction, a person shall be sentenced to pay a fine of not less than Five Hundred Dollars (\$500.00) nor more than One Thousand Dollars (\$1,000.00), plus costs, and in the event of default of payment of said fine, to a term of imprisonment not to exceed thirty (30) days. A second conviction will result in the permanent revocation of the permit issued for the offending outdoor furnace.

Each day a violation exists shall be deemed and constitute a separate offense.

9. Severability.

If any sentence, clause, section or part of this Ordinance is found to be unconstitutional, illegal or invalid for any reason, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions of this Ordinance which would have been adopted had such invalid sentence, clause, section or part had not been included herein.

10. Repealer.

Any portion of any other Ordinance which is not in conflict with the terms and provisions of this Ordinance is hereby repealed.

11. Effective Date.

This Ordinance shall go into effect five (5) days after it is enacted and adopted by Council of the Borough of Sykesville.

ENACTED and ORDAINED as an Ordinance by the Council of the Borough of Sykesville, in lawful session duly assembled this 21st day of September, 2009.

ATTEST:

Karen M. Witter  
ASST. Secretary

Donald J. Reid  
Donald J. Reid, President