

BOROUGH OF ORWIGSBURG
ORDINANCE NO. 393

AN ORDINANCE OF THE BOROUGH OF ORWIGSBURG
PROHIBITING THE INSTALLATION
AND USE OF HYDRONIC HEATERS

BE IT ORDAINED AND ENACTED, by the BOROUGH OF ORWIGSBURG, Schuylkill County, Pennsylvania, and it is hereby enacted by the authority of the same that the BOROUGH OF ORWIGSBURG hereby authorizes the following:

Section 1. Purpose and Scope

A. Residences, commercial and industrial establishments located within the Borough are entitled to clean air and environmental conditions free of unreasonable dust, obnoxious odors and smoke, as well as an environment free from the storage and use of combustible fuels in adjacent or exposed exterior area within densely populated areas.

B. Research conducted by the United States Environmental Protection Agency ("EPA"), including a Project Summary dated February 1998 and titled "Emissions from Outdoor Wood-Burning Residential Hot Water Furnaces" suggests that such devices cause air emission problems that can impact residents, neighbors, business owners, workers and visitors, in addition, according to the Pennsylvania Department of Environmental Protection ("DEP"), these devices produce a large amount of smoke and this smoke can cause health problems for humans.

C. This Ordinance is intended to promote the public health, safety and welfare and to safeguard the health, safety and welfare of the citizens of the Borough of Orwigsburg pursuant to the authority vested in the Borough under Section 46202(6) of the Borough Code, 53 P.S. § 46202(6), among other applicable laws by regulating a source of air pollution arising from the use of Hydronic Heaters, as hereinafter defined.

Section 2. Definition

"Hydronic Heater" shall mean a fuel burning device that: (1) is designed to burn wood or other manufacturer approved solid fuels; 2) the manufacturer specifies for outdoor installation and use or installation in structures not normally occupied by humans (e.g. garages), or to heat structures that have an approved Orwigsburg Borough Use & Occupancy permit; 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.

Section 3. Prohibition.

The installation and/or use of Hydronic Heaters is hereby prohibited within the Borough of Orwigsburg.

Section 4. 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 DOLLARS (\$300.00) and in default of payment of said fine, to imprisonment for a term not to exceed THIRTY (30) days. Every day that a violation of this Ordinance continues, shall constitute a separate offense.

Section 5. 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 parts of this Ordinance. It is hereby declared as the intent of the Borough of Orwigsburg that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 6. Repealer Clause.

All ordinances or parts of ordinances or resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 7. Effective Date.

This Ordinance shall become effective within five (5) days of its adoption.

ORDAINED AND ENACTED this 12th day of November, 2008.

BOROUGH OF ORWIGSBURG
Schuylkill County, Pennsylvania

By: Charles J. Steiner
Charles J. Steiner
President, Orwigsburg Borough Council

Attest Sherry M. Edwards
Sherry M. Edwards, Borough Secretary

Approved this 12th day of November, 2008.
By: Austin Scandiber
Austin Scandiber, Mayor