

## Chapter 137

### OUTDOOR WOOD-FIRED BOILERS

§ 137-1. Short title.

§ 137-2. Permitted use.

§ 137-3. Existing outdoor wood-fired boilers.

§ 137-4. Violations and penalties.

**[HISTORY: Adopted by the Board of Supervisors of the Township of North Middleton 8-7-2008 by Ord. No. 2007-2. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Outdoor burning — See Ch. 92.

Uniform construction codes — See Ch. 95.

Floodplain management — See Ch. 112.

Subdivision and land development — See Ch. 180.

Zoning — See Ch. 204.

§ 137-1. Short title.

This chapter shall be known and may be cited as the "North Middleton Township Outdoor Wood-Fired Boilers Ordinance."

§ 137-2. Permitted use.

Outdoor wood-fired boilers are permitted in North Middleton Township subject to the following conditions and requirements:

- A. Only dry clean wood may be burned.
- B. Boilers are not permitted in any floodplain zone.
- C. Boilers may only be utilized on lots or parcels of land of 3.25 or more acres subject to the following conditions:
  - (1) Boilers may only be utilized on lots or parcels of land of 3.25 or more acres. For purposes of meeting this minimum lot area requirement, the owner of any lot having an area of less than 3.25 acres may utilize an easement area, granted by all legal owners of property abutting the property that is less than 3.25 acres, subject to the following conditions and requirements:
    - (a) The easement area shall be specifically for purposes of allowing the use of an outdoor wood-fired boiler;
    - (b) The easement area shall be of a uniform equal distance from both side yard, rear yard and, where applicable, front yard property boundaries of the property for which benefit the easement is granted;

- (c) The area of the lot upon which the boiler is to be utilized, together with the area of the easement granted by the adjoining property owner or owners, shall be no less than 3.25 acres;
  - (d) The easement shall be documented by an easement instrument that shall be recorded in the office of the Recorder of Deeds for Cumberland County, which instrument shall describe and/or depict the dimensions of the easement area with specific reference to the boundaries of the property benefiting from the easement;
  - (e) The easement granted shall run in perpetuity unless it is extinguished by mutual recorded agreement executed by the owners of the property receiving the benefit of the easement and the owners of the property that had granted the easement, or their respective successors and/or assigns in title, provided that the boiler is first removed from the property and prior notice thereof is given to the Township;
  - (f) The easement instrument shall be approved by the Township Solicitor prior to recording, and, once recorded, evidence of recording shall be provided to the Township;
  - (g) The boiler cannot be constructed, erected or placed on the property prior to the recording of the easement instrument; and
  - (h) The boiler must be placed no less than 500 feet from the nearest residential structure not on the lot where the boiler is located.
- (2) Upon approval and recording of the easement instrument, the boundaries of the easement area shall be considered the lot lines of the lot on which the boiler is placed, only for the limited purposes of the setback requirements from rear and side lot lines as specified in Subsection D, however, no boiler may be constructed, erected or placed within any easement area granted.
- D. Boilers must be set back at least 200 feet from the front lot line and 100 feet from the side and rear lot lines and 500 feet from the nearest residential structure not on the lot where the boiler is located.
  - E. Boilers must be equipped with a properly functioning spark arrestor.
  - F. The boiler furnace may not be used as a waste incinerator.
  - G. Lighter fluids, gasoline and chemicals to start the boiler are prohibited.
  - H. Installation, use and operation must comply with all applicable county, state and/or federal laws, regulations and guidelines as well as applicable building and other codes of the Township.
  - I. Use shall be limited to October 1 to May 1.
  - J. Stack height shall be in accordance with the boiler manufacturer's specifications.
  - K. The use of the boiler shall not cause a nuisance to neighboring or other property.

**§ 137-3. Existing outdoor wood-fired boilers.**

Any wood-fired boiler existing as of the effective date of this chapter or for which any North Middleton Township zoning or building permit has been obtained prior to the effective date of this chapter shall not be required to comply with § 137-2B, C, or D above of this chapter.

**§ 137-4. Violations and penalties. <sup>1</sup>**

Any person who violates or permits a violation of this chapter shall, upon conviction in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

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1. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

