

## Chapter 10

### HEALTH AND SAFETY

#### Part 1 REGULATING VEGETATION

**§ 10-101. Vegetative Growth a Nuisance Under Certain Conditions.** [Ord. No. 2005-7, 12/19/2005]

1. No person, firm or corporation, owning or occupying any property within the Township, shall permit any grass or weeds or any vegetation whatsoever, not edible or planted for some useful or ornamental purpose, to grow or remain upon such premises so as to exceed a height of 24 inches; nor shall any noxious weeds prohibited by the Noxious Weed Control Law (3 P.S., § 255.8) or by regulations of the Department of Agriculture be permitted to be grown within the Township including:
  - A. Marijuana.
  - B. Chicory, Succory or Blue Daisy.
  - C. Canadian Thistle.
  - D. Multiflora Rose.
  - E. Johnson Grass.
2. Any grass, weeds or other vegetation growing upon any premises in the Township in violation of any of the provisions of this Section is hereby declared to be a nuisance and detrimental to the health, safety, cleanliness and comfort of the inhabitants of the Township.

**§ 10-102. Responsibility for Removing, Cutting or Trimming.** [Ord. No. 2005-7, 12/19/2005]

The owner of any premises, or the occupant of premises occupied by other than the owner, shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of § 10-101.

**§ 10-103. Notice to Remove, Trim or Cut; Township May Do Work and Collect Cost and Additional Amount.** [Ord. No. 2005-7, 12/19/2005]

The Board of Supervisors, or any officer or employee of the Township designated thereby for this purpose, is hereby authorized to give notice, by personal service or by United States mail, to the owner or occupant, as the case may be, of any premises whereon grass, weeds or other vegetation is growing or requiring such occupant to remove, trim or cut such grass, weeds or vegetation so as to conform to the requirements of this Part, within 10 days after issuance of such notice. Whenever, in the judgment of the enforcement officer it shall appear to be impracticable to give notice as above provided, either because the owner or occupant cannot readily be found or because a search for the owner or occupant would entail unreasonable delay, the Board of Supervisors, or any officer or employee of the Township designated thereby for that purpose,

may give notice by posting conspicuously on the property where such nuisance exists, a notice or order directing and requiring that such nuisance be abated within 10 days. In case any person, firm or corporation shall neglect, fail or refuse to comply with such notice within the period of time stated therein, the Board of Supervisors may order the removal, trimming or cutting of such grass, weeds or vegetation; and the cost thereof, plus a penalty of 10% of the cost shall be collected by the Township from such person, firm or corporation, in the manner provided by law.

**§ 10-104. Penalties.** [Ord. No. 2005-7, 12/19/2005]

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a district justice in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000 plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each Section of this Part which shall be found to have been violated shall constitute a separate offense.

**Part 2**  
**(RESERVED)** <sup>1</sup>

**Part 3**  
**OUTDOOR WOOD-FIRED HYDRONIC HEATERS**

**§ 10-301. Purpose and Scope.** [Ord. 2009-2, 6/1/2009, § 1]

1. 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 OWHHs 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 OWHHs 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 OWHHs can cause a range of harmful health effects.
2. The Township 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.

**§ 10-302. Definitions.** [Ord. 2009-2, 6/1/2009, § 2]

1. As used in this Part, the following terms shall have the meanings indicated:

**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.

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1. Editor's Note: Former Part 2, Prohibiting the Storage of Motor Vehicle Nuisances, Ord. 1993-5, 7/21/1993, as amended, was repealed 1/6/2020 by Ord. No. 2020-1.

EPA OHH FUTURE MODELS — EPA approved models that have a particulate emission level lower than 0.32 pound per million British thermal units output and is labeled accordingly.

EPA OHH PHASE 2 PROGRAM — The EPA OHM (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 pound 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.

EXISTING OUTDOOR WOOD-FIRED HYDRONIC HEATER — An outdoor wood-fired hydronic heater that was purchased and installed prior to the effective date of this Part.

NATURAL WOOD — Wood that 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.

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 Part.

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.

PERSON — Any individual, partnership, firm or copartnership, 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 subject to 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.

**§ 10-303. Regulations for Outdoor Wood-Fired Hydronic Heaters (OWHH).** [Ord. 2009-2, 6/1/2009, § 3]

1. No person shall, from the effective date of this Part, construct, install, establish, operate or maintain an outdoor wood-fired hydronic heater other than in compliance with the applicable sections of this Part.
2. No person shall, from the effective date of this Part 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 Part regarding fuels that may be burned in an outdoor wood-fired hydronic heater as set forth in § 10-304A and B. The chimney must be at least 20 feet high.

3. 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 Part. In the event of a conflict, the requirements of this Part shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
4. The owner of any new outdoor wood-fired hydronic heater shall produce the manufacturer's owners manual and installation instructions to the Sandy Township Code Enforcement Office to review prior to installation. The owner of any existing outdoor wood-fired hydronic heater shall produce the owners manual and installation instructions, if requested, to allow the Sandy Township Code Enforcement Office to verify the installation and operation in accordance with said manual and instructions.
5. All new outdoor wood-fired hydronic heater shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standard.
6. New or existing outdoor wood-fired hydronic heaters not meeting or exceeding EPA OHH Phase 2 Program standards and located in Sandy Township Zoning Districts R-U Residential Urban and R-1 Residential 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 a swimming pool, the outdoor wood-fired hydronic heater may be operated during the hours of 7:00 a.m. until 5:00 p.m. from June 1 through September 14. In all other Sandy Township Zoning Districts, outdoor wood-fired hydronic heaters may be operated year round.
7. 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 and 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.

**§ 10-304. Substantive Requirements.** [Ord. 2009-2, 6/1/2009, § 4]

1. 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,

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 allowed by the manufacturer.
- C. Setbacks for any new outdoor wood-fired hydronic heater model not EPA OHH Phase 2 Program qualified:
- (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 applicants 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 model that is not EPA OHH program qualified:
- (1) The chimney of any new outdoor wood-fired hydronic heater shall extend at least two feet above the peak of any residence not served by the outdoor wood furnace 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 lbs/million Btu heat output:
- (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 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:
- (1) If there are residences not served by the outdoor wood-fired hydronic heater within 100 feet, the chimney shall be two 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 two feet above the peak of the residence for which it serves if any neighboring residence not served by the outdoor wood-fired hydronic heater is located within 300 feet.

**§ 10-305. Right of Entry and Inspection.** [Ord. 2009-2, 6/1/2009, § 5]

Any authorized officer, agent, employee or representative of Sandy Township who presents credential may inspect any property for the purpose of ascertaining compliance with the provisions of this Part. If access is denied, access shall be obtained pursuant to the applicable laws of the Commonwealth of Pennsylvania.

**§ 10-306. Permit.** [Ord. 2009-2, 6/1/2009, § 6]

1. Existing Units.

- A. Any person that wishes to continue using an outdoor wood boiler installed prior to the effective date of this Part must apply for a permit from the Sandy Township Code Enforcement Office within three months of that effective date.
- B. Said permit application shall include:
  - (1) Submission of a written application on a form provided by the Code Office.
  - (2) 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.
  - (3) And 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.

2. New Units.

- A. No person shall install or cause to be installed an outdoor wood-fired hydronic heater after the effective date of this Part 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 Township.
- B. 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) or the Canadian Standards Association (CAN/CSA);
  - (2) Meet the EPA's Phase 2 (white hang tag) Program Standards for air emissions; and
  - (3) If not an EPA Phase 2 Program qualified model must also be installed under the appropriate sections of this Part.

- C. Plans for the location and installation of any outdoor wood boiler to be installed after the effective date of this Part shall be drawn at a scale of one inch equals 20 feet for plot plans and a smaller scale to be approved by the Code Office for details of outdoor wood-fired hydronic heater components, and shall include a depiction of:
- (1) The legal boundaries of the lot to be served.
  - (2) 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 and identification of those to be served by the outdoor wood-fired hydronic heater.
  - (3) The locations of all known easements and rights-of-way on the lot to be served.
  - (4) The location of all components of the outdoor wood-fired hydronic heater, including underground electric lines, fluid lines or ductwork.
  - (5) The proposed outdoor wood-fired hydronic heater stack height.
  - (6) The location of all roads, pass ways and rights-of-way within 100 feet of the proposed outdoor wood-fired hydronic heater.
  - (7) 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.
- D. Installation must be completed within six months of the issuance of the permit. A permit may be suspended by the Code Enforcement Office in the event the permittee fails to comply with any provision of this Part, including amendments hereto.

**§ 10-307. Enforcement.** [Ord. 2009-2, 6/1/2009, § 7]

This Part may be enforcement by the Zoning and Codes Officer of the Township of Sandy as well as the Sandy Township Police Department and/or any legally certified code inspector for the Township of Sandy.

**§ 10-308. Penalty.** [Ord. 2009-2, 6/1/2009, § 8]

1. Any violation of any provision of this Part shall be a summary offense. Upon conviction, a person shall be sentenced to pay a fine of not less than \$500 nor more than \$1,000, plus costs, and, in default of payment, to a term of imprisonment not to exceed 30 days. A second conviction will result in the permanent revocation of the permit issued for the offending outdoor furnace.
2. Each day a violation exists shall be deemed and constitute a separate offense.