

**COOKE TOWNSHIP**  
**OUTDOOR WOOD-FIRED BOILER ORDINANCE**

**ORDINANCE NO. 2012-03**

**AMENDMENTS TO COOKE TOWNSHIP  
ORDINANCE 4 OF 2001 “Fire Safety”**

**A. Cooke Township Ordinance 2001-4 is hereby amended** by addition of new subsection “D” under “**Section 6 - Restrictions on Routine Burning**” as follows:

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D. Cooke Township adopts by reference all laws, rules, and regulations concerning **Outdoor Wood-Fired Boilers** promulgated by the Pennsylvania Department of Environmental Protection under 25 Pa. Code Chapters 121 and 123, *et seq.* and as amended, in particular but not exclusively the following relating to Particulate Matter Emissions in § 123:

**25 Pa. Code § 123.14. Outdoor wood-fired boilers.**

- (a) *Applicability.* Beginning on October 2, 2010, this section applies to the following:
- (1) A person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes an outdoor wood-fired boiler for use in this Commonwealth.
  - (2) A person who installs an outdoor wood-fired boiler in this Commonwealth.
  - (3) A person who purchases, receives, leases, owns, uses or operates an outdoor wood-fired boiler in this Commonwealth.
- (b) *Exemptions.*
- (1) This section does not apply to a person, manufacturer, supplier or distributor who sells, offers for sale, leases or distributes in this Commonwealth a non-Phase 2 outdoor wood-fired boiler if the person, manufacturer, supplier or distributor demonstrates the non-Phase 2 outdoor wood-fired boiler is intended for shipment and use outside of this Commonwealth.
  - (2) Subsections (c), (d) and (e) do not apply to a permanently installed outdoor wood fired boiler that was installed prior to October 2, 2010, and is transferred to a new owner as a result of a real estate transaction.
  - (3) A person may not sell, offer for sale, distribute or lease a non-Phase 2 outdoor wood fired boiler in this Commonwealth unless the outdoor wood-fired boiler was manufactured, distributed, purchased or leased and received in this Commonwealth before May 31, 2011.

- (i) This exemption shall remain in effect until May 31, 2011.
- (ii) **A non-Phase 2 outdoor wood-fired boiler purchased during the sell-through period must meet the following requirements:**
  - (A) Be installed a **minimum of 150 feet from the nearest property line.**
  - (B) **Have a permanently attached stack** that meets the following requirements:
    - (I) **Extends a minimum of 10 feet above the ground.**
    - (II) Is installed according to the manufacturer's specifications.
- (c) *Phase 2 outdoor wood-fired boiler.* Except as provided under subsection (b):
  - (1) A person may not sell, offer for sale, distribute or install an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.
  - (2) **A person may not purchase, lease or receive an outdoor wood-fired boiler for use in this Commonwealth unless it is a Phase 2 outdoor wood-fired boiler.**
- (d) *Setback requirements for new Phase 2 outdoor wood-fired boilers.* A person may not install a new Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler is installed a **minimum of 50 feet from the nearest property line.**
- (e) *Stack height requirements for new Phase 2 outdoor wood-fired boilers.* **A person may not install, use or operate a new Phase 2 outdoor wood-fired boiler in this Commonwealth unless the boiler has a permanently attached stack.** The stack must meet both of the following requirements:
  - (1) Extend a **minimum of 10 feet above the ground.**
  - (2) Be installed according to the manufacturer's specifications.
- (f) *Allowed fuels.* **A person that owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth shall use only one or more of the following fuels:**
  - (1) **Clean wood.**
  - (2) **Wood pellets made from clean wood.**
  - (3) **Home heating oil, natural gas or propane that:**
    - (i) **Complies with all applicable sulfur limits.**
    - (ii) **Is used as a starter or supplemental fuel for dual-fired outdoor wood-fired boilers.**
  - (4) Other types of fuel approved in writing by the Department upon receipt of a written request.
- (g) *Prohibited fuels.* A person who owns, leases, uses or operates an outdoor wood-fired boiler in this Commonwealth may not burn a fuel or material in that outdoor wood-fired boiler other than those fuels listed under subsection (f).
- (h) *Applicable laws and regulatory requirements.* A person may not use or operate an outdoor wood-fired boiler in this Commonwealth unless it complies with applicable Commonwealth, county and local laws and regulations adopted thereunder.

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**B. Liability**

Cooke Township, its agents, officials, and representatives, shall not, under any circumstances, be liable or responsible for damages caused to any person or property by reason of the provisions of this Ordinance, or by reason of the conduct of any burning activity in compliance with the terms and provisions of this Ordinance. The individual person or party responsible for any such damages shall bear sole liability for any damages caused as a result thereof.

**C. Severability**

The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application thereof is held invalid, the invalidity shall not affect other provisions or applications of this Ordinance.

**D. Penalties**

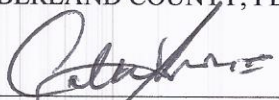
Any person who shall violate or permit the violation of this Ordinance shall, upon being found liable therefor in a civil proceeding commenced by this Township, pay a civil penalty of not less than Fifty (\$50) Dollars and not more than One Thousand (\$1000) Dollars plus all court costs, including reasonable attorney fees, incurred by this Township. A new and separate offence shall be deemed to have been committed for each separate fire and each day that said fire burns in violation of this Ordinance.

**E. Inconsistent Ordinances Repealed**

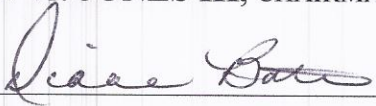
All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

DULY ENACTED AND ORDAINED by the Board of Supervisors of Cooke Township, Cumberland County, Pennsylvania, this 4<sup>th</sup> day of September, 2012.

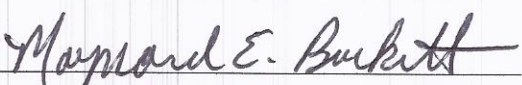
TOWNSHIP OF COOKE  
CUMBERLAND COUNTY, PENNSYLVANIA



CARL W. JONES III, CHAIRMAN

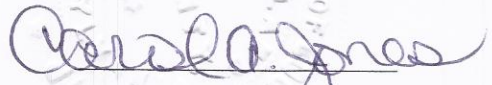
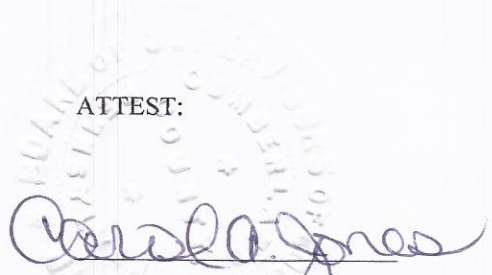


DIANE M. BATT, VICE CHAIRMAN



MAYNARD E. BURKETT, SUPERVISOR

ATTEST:



CAROL A. JONES  
SECRETARY