

CHAPTER 7

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Outdoor Furnace Best Burn Practices

Part 1

Outdoor Fires

§101. Purpose.

The purpose of this Part is to prevent public and private nuisances caused by outdoor fires deliberately or carelessly set and maintained; and, to avoid unnecessary calls and false alarms to the Fire Department. (Ord. 4, 1/31/1994)

§102. Definitions.

Certain words and phrases shall have the meaning ascribed to them, as follows:

CONTAINED FIRE – any fire contained in an incinerator, fire place designed for outdoor cooking, or a fireproof container.

FIRE – any fire set or maintained outside of a building.

OUTDOOR FURNACE – any equipment, device, apparatus, or any part thereof, which is installed, affixed or situated outdoors for the purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for an interior space or water source.

PERSON – any individual, partnership or corporation.

UNCONTAINED FIRE – any fire except a "contained fire."

(Ord. 4, 1/31/1994; as amended by Ord. 115, 2/21/2000, §1; and by Ord. 199, 6/20/2005)

§103. General Restrictions.

1. No fire shall be set or maintained within twenty (20) feet of any building or property line.
2. No fire shall be set or maintained on any public road or public property.
3. No fire shall be set or maintained that may endanger any building or property.
4. No fire shall be set or maintained which affects neighboring properties by discharging obnoxious odors, dense smoke or fly ash.
5. No fire shall be set or maintained for the purpose of disposal of materials releasing large quantities of hydrocarbons such as garbage, petroleum products, tires, roofing materials, shingles, etc. Excepted from this restriction is conducting of ap-

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proved training sessions by the Fire Department for the purpose of educating fire-fighters in the proper methods of fire fighting.

(Ord. 4, 1/31/1994)

§104. Contained Fires.

1. **Manufacturers Specifications.** All outdoor furnaces shall be installed, operated, and maintained in accordance with the manufacturers specifications and the regulations promulgated hereunder including the Outdoor Furnace Best Burn Practices in Appendix A, attached hereto and made a part hereof.¹ In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturers instructions are stricter than the regulations promulgated hereunder, in which case the manufacturers instructions shall apply.
2. **Times of Operation.**
 - A. No contained fire shall be permitted to burn or smolder between the hours of 1:00 a.m. and 9:00 a.m. unless the contained fire is located within an approved, permitted outdoor furnace used for the sole purpose of providing heat, or heating potable water for a building unit.
 - B. Outdoor furnaces are prohibited to burn from June 1 until September 30, unless being used for the sole purpose of providing heat for the building unit that it serves, or heating potable water for use in the building unit that it serves.
3. **Fuels.** Fuel used in outdoor furnaces shall be only natural untreated wood or wood specifically permitted by the manufacturer, coal, fuel oil, natural gas or kerosene. Fuel that is prohibited shall consist of processed wood products and other non-wood products, garbage, recyclable material, painted and or treated wood, and any other item not specifically allowed by the manufacturer or this provision.
4. **Locations.**
 - A. All outdoor furnaces shall be considered an accessory structure, located on the same lot as the building that it serves.
 - B. Outdoor furnaces shall also be located within 30 feet of that building it serves but not closer to any property line than the setback distances for accessory structures in the Zoning District in which it is located.

¹ Editor's Note: Appendix A is included at the end of this chapter.

- C. Outdoor furnaces shall be prohibited in the Medical Institutional, Commercial Highway, and Downtown Commercial Districts designated by the City of St. Marys Zoning Ordinance No. 33.²
- D. The minimum required lot size for an outdoor furnace shall be 40,000 square feet, with the exception of existing outdoor furnaces.

5. Permits.

- A. No person shall allow, maintain, or use an outdoor furnace within the City of St. Marys without first having obtained a permit from the City's Code Enforcement Officer on the forms prescribed by such Official. The fee for this permit shall be set and revised from time to time via resolution.
- B. All existing outdoor furnaces shall immediately comply with all manufacturer's specifications and Subsection (3) pertaining to fuel.
- C. A permit may be suspended in the event the owner fails to comply with any provision of this Part.

(Ord. 4, 1/31/1994; as amended by Ord. 115, 2/21/2000, §2; and by Ord. 199, 6/20/2005)

§105. Uncontained Fires.

- 1. [Reserved]. [Ord. 47]
- 2. No uncontained fires shall be allowed to burn or smolder between the hours of 9:00 p.m. and 7:00 a.m., prevailing time. [Ord. 47]
- 3. No uncontained fire shall be maintained unless constantly attended by at least one (1) adult person.

(Ord. 4, 1/31/1994; as amended by Ord. 47, 6/17/1996)

§106. Penalties.

- 1. Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense.

² Editor's Note: See Ch. 27, Zoning.

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2. In addition to the above penalty, any person who violates any provision of this Part may be enjoined by appropriate injunction proceedings.

(Ord. 4, 1/31/1994)

Part 2

Fire Lanes

§201. Title.

This Part shall be known and referred to as the "City of St. Marys Fire Lane Ordinance." (Ord. 4, 1/31/1994)

§202. Conditions Where Fire Lanes Required.

Every individual, association or corporation providing parking space for more than twenty-five (25) vehicles shall establish and maintain emergency fire lanes where a vehicle parked in proximity to any building may obstruct the operation of fire fighting apparatus. (Ord. 4, 1/31/1994)

§203. Fire Lane Specifications.

Each emergency fire lane shall meet the following requirements:

- A. The fire lane shall be at least twenty (20) feet wide and shall be laid out in such a manner as to provide immediate access to the parking lot and to all buildings served by the parking lot.
- B. The fire lane shall be clearly marked in accordance with Pennsylvania Department of Transportation Form 408 specifications.

(Ord. 4, 1/31/1994)

§204. Fire Lane Signs.

Fire lanes shall be marked with such signs and pavement markings as the St. Marys City Police Department shall deem appropriate to each specific location. (Ord. 4, 1/31/1994)

§205. Owners of Small Lots May Request Fire Lanes.

Any individual, association or corporation whose parking lot provides for the parking of less than twenty-five (25) vehicles may elect to have such parking lot made subject to the provisions of this Part by making a written application to the City Council. The size, location and marking of such fire lanes shall be determined by resolution of the City Council. When posted substantially in accordance with the terms of such resolution, the fire lane shall be subject to enforcement under §208 of this Part. (Ord. 4, 1/31/1994)

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§206. Compliance Within Sixty (60) Days.

The owner or operator of any parking lot required to have fire lanes shall establish such lanes under the supervision of the City Police Department within sixty (60) days from the date of service of notice of compliance by the City Police. In any event, the owner of any parking lot required to have fire lanes shall establish such lines prior to the issuance of an occupancy certificate for the occupancy or occupancies which the parking lot service. (Ord. 4, 1/31/1994)

§207. No Parking in Fire Lanes; Exceptions.

No person shall park any vehicle in or otherwise obstruct any fire lane, except for loading or unloading of vehicles where there is not separate loading area and where the operator of the vehicle is always present. (Ord. 4, 1/31/1994)

§208. Penalties.

Any person, firm or corporation who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of not more than six hundred dollars (\$600.00) plus costs and, in default of payment of said fine and costs, to a term of imprisonment not to exceed thirty (30) days. Each day that a violation of this Part continues shall constitute a separate offense. (Ord. 4, 1/31/1994)

Part 3

Fire Control Measures and Regulations

§301. Authority at Fires and Other Emergencies.

The fire chief or his duly authorized representative (hereinafter referred to as "fire official"), as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duties. The fire official may prohibit any person, vehicle or object from approaching the scene and may remove or cause to be removed from the scene any person, vehicle or object which may impede or interfere with the operations of the Fire Department. The fire official may remove or cause to be removed any person, vehicle or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not re-enter the area until authorized to do so by the fire official. (Ord. 4, 1/31/1994)

§302. Interference With Fire Department Operations.

It shall be unlawful to interfere with, attempt to interfere with, conspire to interfere with, obstruct or restrict the ability of, or block the path of travel of any Fire Department emergency vehicle in any way, or to interfere with, attempt to interfere with, conspire to interfere with, obstruct or hamper any Fire Department operation. (Ord. 4, 1/31/1994)

§303. Compliance With Orders.

A person shall not willfully fail or refuse to comply with any lawful order or direction of the fire official or interfere with the compliance attempts of another individual. (Ord. 4, 1/31/1994)

§304. Vehicles Crossing Fire Hose.

A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alley way, private drive or any other vehicular roadways without the consent of the fire official in command of said operation. (Ord. 4, 1/31/1994)

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§305. Definition of Authorized Emergency Vehicle.

Authorized emergency vehicles shall be restricted to those which are defined and authorized under the laws of the Commonwealth of Pennsylvania. (Ord. 4, 1/31/1994)

§306. Blocking Fire Hydrants and Fire Department Connections.

1. It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of fire suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes, or on private property.
2. If upon the expiration of the time mentioned in a notice of violation, obstructions or encroachments are not removed, the fire official shall proceed to remove the same. Costs incurred in the performance of necessary work shall be paid from the City treasury on certificate of the fire official and with the approval of the City Manager; and, the City Solicitor shall institute appropriate action for the recovery of such costs.

(Ord. 4, 1/31/1994)

§307. Hydrant Use Approval.

A person shall not use or operate any fire hydrant intended for use of the Fire Department for fire suppression purposes unless such person first secures a permit for such use from the fire official and the St. Marys Area Joint Water Authority. This Section shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the St. Marys Area Joint Water Authority. (Ord. 4, 1/31/1994)

§308. Public Water Supply.

The fire official shall recommend to the City Manager the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the fire official. (Ord. 4, 1/31/1994)

§309. Yard Systems.

All new and existing oil storage plants, lumber yards, amusement or exhibition parks, and educational or institutional complexes and similar occupancies and uses involving high fire or life hazards and which are located more than one hundred fifty (150) feet from a public street or which require quantities of water beyond the capabilities of the

public water distribution system shall be provided with properly placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the fire official and shall be connected to a water system in accordance with accepted engineering practices. The fire official shall designate and approve the number and location of fire hydrants. The fire official may require the installation of sufficient fire hose and equipment housed in accordance with the approved rules and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the fire official. (Ord. 4, 1/31/1994)

§310. Maintenance of Fire Suppression Equipment.

A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code [Chapter 5, Part 2] except for the purpose of extinguishing fire, training or testing purposes, recharging, or making necessary repairs, or when permitted by the fire official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or re-installed as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the fire official. (Ord. 4, 1/31/1994)

§311. Sale of Defective Fire Extinguishers.

A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the fire official, or which is not in proper working order, or the contents of which do not meet the requirements of the fire official. The requirements of this Section shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk, and said units are permanently disfigured or marked with a permanent sign identifying the unit as junk. (Ord. 4, 1/31/1994)

§312. Street Obstructions.

A person or persons shall not erect, construct, place or maintain any bump, fence, gate, chain, bar, pipe, wood or metal horses or any other type of obstruction in or on any street, within the boundaries of the City. The word "street," as used in this Part shall mean any roadway accessible to the public for vehicular traffic including, but not limited to, private streets or access lanes, as well as all public streets and highways within the boundaries of the City of St. Marys. (Ord. 4, 1/31/1994)

§313. Penalty.

Any person who shall violate or fail to conform to any of the provisions of this Part shall, upon conviction thereof, be sentenced to a fine of not more than one thousand dollars

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(\$1,000.00) plus costs and, in default of payment of said fine and costs to a term of imprisonment not to exceed thirty (30) days. (Ord. 4, 1/31/1994)