

CHAPTER 10

HEALTH AND SAFETY

PART 1

UNNECESSARY NOISES

- §10-101. Definitions**
- §10-102. Noise Limit**
- §10-103. Prohibitions**
- §10-104. Exemptions**
- §10-105. Special Waiver**
- §10-106. Policy**
- §10-107. Enforcement Officers**
- §10-108. Enforcement Procedures**
- §10-109. Relationship With Other Restrictions**
- §10-110. Penalties**

PART 2

RESTRICTING HEIGHT OF VEGETATION

- §10-201. Vegetative Growth a Nuisance Under Certain Conditions**
- §10-202. Responsibility for Removing, Cutting or Trimming**
- §10-203. Notice to Remove, Trim or Cut**
- §10-204. Township Collection Cost**
- §10-205. Penalties for Violation**

PART 3

OUTDOOR SOLID FUEL BURNERS/FURNACES

- §10-301. Title**
- §10-302. Definitions**
- §10-303. Outdoor Solid Fuel Burning Appliances**
- §10-304. Abandonment and/or Decommissioning of Outdoor Solid Fuel Burning Appliance**
- §10-305. Administration**
- §10-306. Enforcement**
- §10-307. Penalties**
- §10-308. Appeals**

PART 4

CARBON MONOXIDE ALARM STANDARDS

- §10-401. Title**
- §10-402. Definitions**
- §10-403. Administration and Enforcement**
- §10-404. Carbon Monoxide Alarm Requirements**
- §10-405. Carbon Monoxide Alarm Requirements in Rental Properties**
- §10-406. Penalties**

PART 1

UNNECESSARY NOISES

§10-101. Definitions.

The following words and phrases, when used in this Part, shall have, unless the context clearly indicates otherwise, the meanings given to them in this Section:

ANSI — American National Standards Institute, or its successors. All acoustical terminology shall be interpreted in accordance with that contained in ANSI S1.1, "Acoustical Terminology." All other words and terms not defined herein shall be used with a meaning of standard usage.

DECIBEL (dB) — a unit of sound level which is a division of a logarithmic scale used to express the ratio of sound pressure of the source to the pressure of an arbitrarily chosen reference pressure, the ratio is expressed on the decibel scale by multiplying its "base 10 logarithm" by 20.

EXCESSIVE NOISE — excessive noise is that sound which is injurious or which unreasonably interferes with the comfortable enjoyment of life and property. Measured noise levels in excess of limits established in these regulations or those specified in valid permits are declared to be excessive noise, is annoying to a person of ordinary sensibilities.

NIGHTTIME — 9:00 p.m. to 7:00 a.m., prevailing time, conversely, daytime 7:00 a.m. to 9:00 p.m. prevailing time.

NOISE — any sound emitted by a person, animal, appliance, equipment, instrument or other device.

NOISE LEVEL — airborne sound levels expressed in dB and obtained by the use of specific frequency dependant weighting networks, as specified in the reference standards and indicated by proper notation; if "All weighting networks is employed, the sound level is identified as dB(A)."

NOISE POLLUTION — noise of such loudness and character from a single source or from multiple sources, which is or may be predicted with reasonable certainty to be injurious to health or which unreasonably interferes with the enjoyment of property or with any lawful business or activity. Noise/sound pressure levels exceeding those permitted in any district shall constitute "noise pollution."

PERIOD OF OBSERVATION — the time interval during which acoustical data are obtained. The period of observation is determined by the characteristics of the noise being measured and the instrumentation being used. The period of observation must be at least as long as the response time of the instrumentation. The

HEALTH AND SAFETY

greater the variance in individual sound level, the longer must be the observation time for a given expected accuracy of measurement.

PERSON — includes an individual, firm, association, organization, partnership, trust, company, corporation or any other similar entity.

SOUND LEVEL — noise level.

SOUND LEVEL METER — instrument or combination of instruments which meets or exceeds the requirements for an ANSI Type S1A or Type S2A sound level meter.

TOWNSHIP — New Britain Township, Bucks County, Pennsylvania, its Board of Supervisors, Township Manager and all employees and appointees of the Township.

VEHICLE — any device or combination of devices used for or capable of being used for transporting persons or property. Vehicles include, but are not limited to, the following:

- A. Automobiles.
- B. Trucks.
- C. Buses.
- D. Motorcycles.
- E. Motorized bicycles.
- F. Snowmobiles.
- G. Scooters.
- H. All terrain vehicles.
- I. Go-carts.
- J. Farm machinery.
- K. Industrial machinery.
- L. Highway graders.
- M. Tractor-trailers and semi-trailers.

(Ord. 02-09-02, 9/9/2002, §1)

§10-102. Noise Limit.

No person shall create or allow the creation of any noise or operate or cause to be operated any source of sound on property owned, leased, occupied or otherwise controlled by such person and/or on a public street or in a public park which causes the sound level, when measured at or beyond the boundaries of the lot, parcel, tract or property on which such activities take place to exceed the noise levels specified below:

- A. Eighty decibels dB(A) between the hours of 9:00 p.m. and 7:00 a.m., prevailing time.

(Ord. 02-09-02, 9/9/2002, §2)

§10-103. Prohibitions.

1. Horns, Signaling Devices, Etc. Sounding any horn or signaling device on any vehicle on any street or public place of the Township, except as a danger warning, creating, by means of any such signaling device, any unreasonable loud or harsh sound or the sounding of any such device for any unnecessary or unreasonable period of time.
2. Musical Instruments, Sound Equipment, Etc. Using, operating or permitting the playing, use or operation of any radio receiving set, television set, musical instrument, phonograph, tape player, CD player or other machine or device for the producing or reproducing of sound in such a manner as to disturb the peace, quiet and comfort of the neighboring inhabitants or at any time with louder volume than is necessary for convenient hearing for the person or persons who are in the room or vehicle in which such machine or device between the hours of 11:00 p.m. and 7:00 a.m.
3. Loud Speakers, Amplifiers. Using, operating or permitting the playing, use or operation of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound which is cast upon the public streets for the purpose of commercial advertising or attracting the attention of the public to any building or structure except in the course of an approved legitimate business activity or auction sale.
4. Yelling, Shouting, Etc. Yelling, shouting, hooting, whistling or singing on the public streets, between the hours of 11:00 p.m. and 7:00 a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any dwelling, hotel or other type of residence or any persons in the vicinity.
5. Exhausts. The discharge into the open air of the exhaust of any stationary internal combustion engine or motor vehicle, except through a muffler or other device which will effectively prevent loud or explosive noise therefrom.

HEALTH AND SAFETY

6. Prima Facie Evidence of a Violation. Conduct in subsections (1) through (5) above in such a manner as to be plainly audible to a person of normal hearing acuity at a distance of 50 feet from the building, structure or vehicle in which is located the source of the noise is prima facie evidence of a violation of this Section.

(Ord. 02-09-02, 9/9/2002, §3)

§10-104. Exemptions.

Noise emitted from the following sources shall be exempt from the noise standards specified herein:

- A. All safety signals and warning devices (e.g., intrusion alarms, back-up alarms on trucks), authorized vehicles when responding to emergencies (e.g., police, fire, ambulance sirens or any other device used to alert persons to an emergency or used during the conduct of emergency work).
- B. The provision, repair and maintenance of Township services or public utilities.
- C. Bells, chimes and carillons used for religious purposes or in conjunction with national celebration or public holidays.
- D. Appliances, lawn and garden equipment, chain saws, snow removal equipment and power tools in use between the hours of 7:00 a.m. (prevailing time) and 9:00 p.m. (prevailing time) provided such are operated within the manufacturer's specification and with all standard noise-reducing equipment in use, unmodified and in proper operating conditions.
- E. Heavy construction equipment except as may be otherwise permitted by a permit issued by New Britain Township when being used on a specific short term project (such as construction of a building, constructing, repairing or cleaning a road, drilling a well and other similar short term, specific construction, demolition or repair projects) in use between the hours of 7:00 a.m. (prevailing time) and 9:00 p.m. (prevailing time) for the duration of such short term specific project; provided, such heavy construction equipment is operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.
- F. Air conditioner, fans, heating units and similar comfort devices; provided such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.
- G. Airplanes, helicopter and normal activities of properly licensed airports and trains operating on railroad.

- H. Permitted musical, recreational and athletic events conducted by or permitted by schools, local government and/or community associations.
- I. Permitted outdoor weapons firing ranges in use between the hours of 7:00 a.m. (prevailing time) and 9:00 p.m. (prevailing time).
- J. All motor vehicles being operated on the public road in New Britain Township, provided, such are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper working condition.
- K. Activities permitted by special waiver, as provided herein, according to the terms and conditions of said waiver.
- L. Farm related operations and activities between the hours of 7:00 a.m. (prevailing time) and 10:00 p.m. (prevailing time) and those operations and activities necessary for the preservation and health of farm animals and livestock at any time.
- M. Any existing legitimate or licensed business, commercial or industrial operation between the hours of 7:00 a.m. and 9:00 p.m. (prevailing time); provided any appliances, equipment, machinery or devices used in such operation are operated within the manufacturer's specifications and with all standard noise-reducing equipment in use, unmodified and in proper operating condition.

(Ord. 02-09-02, 9/9/2002, §4)

§10-105. Special Waiver.

A temporary waiver from strict compliance with the noise standard specified herein may be granted to persons during circumstances, as determined by the Board of Supervisors, to permit reasonable time to attain compliance.

(Ord. 02-09-02, 9/9/2002, §5)

§10-106. Policy.

It is the policy of the Board of Supervisors in adopting this Part not to force any industrial or commercial enterprise out of business, but rather to work with any industrial or commercial enterprise to find ways to reduce noise levels to the level permitted by this Part.

(Ord. 02-09-02, 9/9/2002, §6)

HEALTH AND SAFETY

§10-107. Enforcement Officers.

This Part may be enforced by any officer or official of the Township empowered to do so.

(Ord. 02-09-02, 9/9/2002, §7)

§10-108. Enforcement Procedures.

The following procedures and penalties are prescribed for enforcement of this Part:

- A. Warnings. If it is determined that a noise level is in excess of the levels prescribed by this Part, the Township, shall upon written complaint by an affected person, issue a written warning to the person responsible. Any such warning shall be in effect for two weeks.
- B. Offenses. If it is determined that a noise level in excess of the levels permitted by this Part shall have been caused or permitted by any person within one month after the issuance of a warning, any person affected thereby, and/or the Township may file a complaint against such person causing or permitting said noise level before the Magisterial District Judge.
- C. Injunctions. In addition, any person affected thereby, may file legal or equitable actions in court to abate or enjoin violations of this Part.
- D. Public Nuisance. Any emission of noise from any source in excess of the limitations established herein is hereby declared to be a public nuisance and may be abated by administrative or judicial proceedings, fines and penalties herein provided.
- E. Other Remedies. Nothing in this Part shall be construed to impair any cause of action or legal remedy thereof, of any person or the public for injury or damage arising from the emission or release into the atmosphere or ground from any source whatever of noise on such place or manner or at such levels which may give rise to such cause of action.

(Ord. 02-09-02, 9/9/2002, §8)

§10-109. Relationship With Other Restrictions.

The provisions of this Part are not intended to interfere with, abrogate or annul other rules, regulations or ordinances, including Title 18 (Crimes Code) and Title 75 (Vehicle Code), Pennsylvania Consolidated Statutes. If more stringent requirements concerning noise abatement are contained in other statutes, rules, regulations or ordinances, the more stringent regulation shall apply.

(Ord. 02-09-02, 9/9/2002, §9)

§10-110. Penalties.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a Magisterial District Judge in the manner provided for the enforcement of summary offense 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.

(Ord. 02-09-02, 9/9/2002, §10; as amended by Ord. 2007-02-01, 2/12/2007)

PART 2

RESTRICTING HEIGHT OF VEGETATION

§10-201. Vegetative Growth a Nuisance Under Certain Conditions.

No person, firm or corporation owning or occupying any property within New Britain Township shall permit any grass or weeds or any vegetation whatsoever, not ordinarily edible or planted for some useful or ornamental purposes to grow or remain upon such premises so as to exceed a height of six inches within 200 feet of any residential dwelling. Any grass, weeds or other vegetation growing upon any premises in New Britain 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 New Britain Township. Properties defined as wildlife refuge, wetlands, detention basin areas, woodlands, environmentally sensitive areas or other areas which removal would not be appropriate shall not be in violation of any provisions of this Section.

(Ord. 90-07-04, 7/9/1990, §1; as amended by Ord. 2007-02-01, 2/12/2007)

§10-202. Responsibility for Removing, Cutting or Trimming.

The owner or occupant of any premises shall remove, trim or cut all grass, weeds or other vegetation growing or remaining upon such premises in violation of the provisions of §10-201.

(Ord. 90-07-04, 7/9/1990, §2)

§10-203. Notice to Remove, Trim or Cut.

The New Britain Township Code Enforcement Officer/Zoning Officer 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 remaining in violation of the provisions of §10-201 of this Part. The notice shall direct and require occupant or owner to remove, trim or cut such grass, weeds or vegetation so as to conform with the requirements of this Part, within five days. In the event that an owner or occupant cannot readily be found, or if a search for the owner or occupant would entail unreasonable delay, the Zoning Officer 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 five days.

(Ord. 90-07-04, 7/9/1990, §3; as amended by Ord. 2007-02-01, 2/12/2007)

HEALTH AND SAFETY

§10-204. Township Collection Cost.

In the event that 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. The person, firm or corporation in violation shall be responsible for the cost of vegetation removal and a penalty of 10% of the removal cost. The Township may collect this amount by filing a municipal lien against the property.

(Ord. 90-07-04, 7/9/1990, §4)

§10-205. Penalties for Violation.

Any person, firm or corporation who shall violate any provision of this Part, upon conviction thereof in an action brought before a Magisterial District Judge 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.

(Ord. 90-07-04, 7/9/1990, §5; as amended by Ord. 2007-02-01, 2/12/2007)

PART 3

OUTDOOR SOLID FUEL BURNERS/FURNACES

§10-301. Title.

This Part shall be known as the “New Britain Township Outdoor Solid Fuel Burner/Furnace Ordinance.”

(Ord. 2011-04-02, 4/4/2011, Art. I)

§10-302. Definitions.

CHIMNEY—any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an outdoor solid fuel burning appliance.

CLEAN WOOD—wood that does not have paint, stains, or other types of coatings, and wood that has not been treated with substances, including, but not limited to, copper arsenate, creosote, or pentachlorophenol and wood pellets made from clean wood.

EPA OWHH PHASE 2 PROGRAM QUALIFIED MODEL—an outdoor solid fuel burning appliance that has been EPA OWHH Phase 2 Program qualified. The model has met the EPA OWHH Phase 2 Program particulate matter emission limits and is identified with the proper qualifying label and identification.

OUTDOOR SOLID FUEL BURNING APPLIANCE—also known as “outdoor woodfired hydronic heaters (OWHH),” “outdoor wood boilers (OWB)” or “water stoves,” etc., means any equipment, device or apparatus which is installed, affixed or situated outdoors, and not situate within a building intended for habitation by humans or domestic animals, which is used for the primary purpose of combustion of fuel to produce heat for energy as a heating system, or component thereof, which provides heat or hot water to the principal structure on the property, to a structure used for human or animal habitation on the property, or to any accessory uses or structures, including, but not limited to, greenhouses, conservatories and swimming pools located on the property.

(Ord. 2011-04-02, 4/4/2011, Art. I)

§10-303. Outdoor Solid Fuel Burning Appliances.

1. Any person desiring to install an outdoor solid fuel burning appliance within New Britain Township shall be required to obtain the requisite permit from the Township and shall pay the requisite fee. The permit application shall be signed by all owners of the property on which the outdoor solid fuel burning appliance will be located and the contractor installing the appliance. No permit for such an outdoor solid fuel burning appliance shall be issued until the plans and specifications have been approved by the Code Enforcement Officer and/or Township Engineer in accordance

HEALTH AND SAFETY

with this Part, and all other requisite approvals needed under the Township Code of Ordinances have been secured.

2. The requirements set forth in this Section do not apply to the following:
 - A. Grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.
 - B. Burning in a stove, furnace, fireplace or other heating device located within a building or structure used for human habitation.
3. Unless specific written approval has been obtained from the Township and PA Department of Environmental Protection (PA DEP), the following materials may not be burned in an outdoor solid fuel burning appliance (appliance) under any circumstances:
 - A. Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction and demolition debris or other household or business wastes.
 - B. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to applicable PA DEP regulations.
 - C. Asphalt and products containing asphalt.
 - D. Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives, or any other wood that does not meet the definition of clean wood.
 - E. Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.
 - F. Rubber including tires and synthetic rubber-like products.
 - G. Any material that is not recommended for burning by the manufacturer of the appliance.
 - H. Newspaper, cardboard, particleboard or any paper with ink or dye products.
 - I. Lawn clippings or yard waste.
 - J. Any hazardous waste.
 - K. Coal.
 - L. Manure.

- M. Waste petroleum products.
4. Fuel burned in any new or existing outdoor solid fuel burning appliance shall only be clean wood, natural untreated wood, wood pellets from clean wood, approved corn products, approved biomass pellets or other fuels specifically permitted by the Township and the manufacturer's instructions.
 5. No person shall install an outdoor solid fuel burning appliance that is not an EPA OWHH Phase 2 Program qualified appliance.
 6. All outdoor solid fuel burning appliances shall have a permanently attached stack that extends a minimum of 10 feet above the ground and is installed in accordance with the manufacturer's specifications.
 7. No outdoor solid fuel burning appliance shall be located less than 100 feet from any property and/or lot line unless the lot is under common ownership with the property owner of the lot on which the appliance is to be located, and the lot does not contain an occupied structure.
 8. No outdoor solid fuel burning appliance shall be located less than 200 feet from any occupied structure not located on the lot on which the appliance will be located.
 9. The applicant shall provide documentation confirming that the manufacturer certifies that the proposed chimney height is safe and appropriate for the proposed use and location. The maximum height of the outdoor solid fuel burning appliance stack or chimney shall not exceed the maximum height requirement in the specific zoning district wherein the appliance is located.
 - A. For new outdoor solid fuel burning appliances, no person shall install such an appliance unless it has a permanently attached chimney with a minimum chimney height of 10 feet above the ground and at least two feet above the highest peak of any residence located less than 150 feet from the appliance, unless otherwise restricted by the manufacturer's certification and/or approved by the Township.
 - B. For existing outdoor solid fuel burning appliances that have been the subject of a complaint and/or violate the Township's nuisance regulations relating to smoke and/or odors, no person shall continue to use or operate such an appliance until such nuisance has been resolved and unless it has a permanent attached chimney with a minimum chimney height of 10 feet above the ground and at least two feet above the highest peak of any residence located less than 500 feet from the appliance, unless otherwise restricted by the manufacturer's certification and/or approved by the Township.
 10. No person shall use or operate a new or existing appliance unless it complies with all existing Federal, State and local regulations, as applicable, including, but not limited to, the following:
 - A. 25 Pa.Code §121.7, as amended, "Prohibition of Air Pollution."

HEALTH AND SAFETY

- B. 25 Pa.Code §123.1, as amended, “Fugitive Emissions.”
 - C. 25 Pa.Code §123.31, as amended, “Odor Emissions.”
 - D. 25 Pa.Code §123.41, as amended, “Visible Emissions.”
 - E. §8 of the APCA, 35 P.S. §4008, as amended, “Unlawful Conduct.”
 - F. §13 of the APCA, 35 P.S. §4013, as amended, “Public Nuisances.”
11. All appliances shall be installed, operated, and maintained in strict compliance with the manufacturers’ instructions and guidelines for the appliance. In the event that a conflict arises between the manufacturer’s instructions and regulations, and the regulations contained in this Part, the stricter instructions and/or regulations shall apply.
 12. All ashes or waste may be disbursed on the property where the appliance is located unless otherwise prohibited by law. Any large accumulation of ashes or waste must be disposed of in a manner approved by the Township of New Britain and the Pennsylvania Department of Environmental Protection.
 13. All appliances shall be used for the sole purpose of furnishing heat and/or hot water to a dwelling or other structure, including residential swimming pools, located on the property wherein the appliance is located.
 14. Outdoor solid fuel burning appliances shall be operated only between September 1 and May 1 each year, unless otherwise approved by the Township.
 15. Spark Arrestors. All outdoor solid fuel burning appliances shall be equipped with properly functioning spark arrestors.
 16. Catalytic Converter. All outdoor solid fuel burning appliances installed within New Britain Township must be equipped with a properly functioning catalytic converter, unless otherwise approved by the Township.
 17. Installation of any electrical or plumbing apparatus or device used in connection with the operation of an appliance shall be in conformity with all applicable electrical and plumbing codes and, in the absence of such code, in conformity with the manufacturer’s installation specifications.
 18. Standards for installation of an appliance shall also require the outdoor solid fuel burning appliance to be installed upon a nominal six-inch thick permanent, reinforced cement pad in such dimension so as to allow a minimum of six inches of exposed surface area along the perimeter of the pad.
 19. All stacks or chimneys must be constructed to withstand high winds or other related elements, as deemed necessary by the Township.
 20. The use of lighter fluids, gasoline or chemicals to start the appliance is prohibited.

21. The appliance shall be located on a property with due consideration to prevailing wind conditions.
22. Any outdoor solid fuel burning appliance in existence on the effective date of this Part shall be permitted to remain, however, all such facilities must comply with subsections (3), (4), (9), (10), (12), (13), (14), (15), (16), (17), and (22) of this Section.
23. Any resident who has secured a permit to install an outdoor solid fuel burning appliance in so doing will also be agreeing to allow the Township Code Enforcement Officer or any other person designated by the Township to inspect the appliance if a written complaint is filed relative to a violation of this Part.
24. The Township reserves the right to suspend the use of all outdoor solid fuel burning appliances if weather conditions warrant, based upon air quality warnings which may be issued by monitoring agencies.
25. A permit issued pursuant to this Part and the use of the outdoor solid fuel burning appliance may be suspended if any of the following conditions occur and/or as the Code Enforcement Officer, or other person appointed by the Board of Supervisors to administer and enforce this Part deems necessary to protect the public health, safety and welfare of the residents of New Britain Township:
 - A. Malodorous air contaminants from the appliance are detectable outside the property of the person on whose land the appliance is located.
 - B. The emissions from the appliance interferes with the reasonable enjoyment of life on neighboring property.
 - C. The emissions from the appliance caused damage to vegetation on neighboring property.
 - D. The emissions from the appliance are harmful to human or animal health.
 - E. The burning of any material prohibited within this Part.
 - F. Any other violation of this Part.
26. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this Part and subject the property owner to the penalties provided within the ordinance.
27. If an outdoor solid fuel burning appliance is replaced or upgraded, a permit shall be required pursuant to this Part.
28. Outdoor solid fuel burning appliances shall be screened with plantings acceptable to the Township and/or Township Engineer and such plantings shall be arranged in an informal manner.

HEALTH AND SAFETY

(Ord. 2011-04-02, 4/4/2011, Art. I)

§10-304. Abandonment and/or Decommissioning of Outdoor Solid Fuel Burning Appliance.

1. If an OSFA remains nonfunctional or inoperative for a continuous period of six months, the system shall be deemed to be abandoned and constitute a public nuisance and shall thereafter be removed by the property owner.
2. The OSFA owner, at his/her sole expense, shall complete decommissioning of the system within six months after the end of the useful life of the system, or within six months of damage which prevents the system from operating in a safe manner at full capacity or according to industry standards.
3. The owner shall remove the abandoned and/or decommissioned system after a demolition or other requisite permit has been obtained from the Township. Removal includes the entire structure including foundations to below natural grade, external mechanical equipment and transmission equipment.

(Ord. 2011-04-02, 4/4/2011, Art. I)

§10-305. Administration.

1. Permits. The appropriate permit shall be secured prior to the erection, structural repair, alteration and/or relocation of any OSFA within the Township. For purposes of obtaining a permit, the applicant shall make application in writing to the Township and shall submit the following information and documents to the Township, together with the additional specific requirements of each OSFA as set forth in this Part:
 - A. Name and address of the owner of the property wherein the OSFA is proposed and a detailed description of the type, make and model of the OSFA being proposed.
 - B. Name and address of the applicant.
 - C. A plot plan (one-eighth inch per foot or greater) showing the location of the lot, building, and proposed OSFA system in relation to each public right-of-way, building, property line, neighboring properties, and driveways. It shall also identify the lot area, location of existing natural and manmade features, ownership information for adjoining properties, setback measurements from property and street lines and any additional information deemed necessary by the Township.
 - D. Construction plans, including all pertinent engineering data to the Township.

2. Inspection. The Building Inspector and/or Code Enforcement Officer, or other designated Township representative, shall require the proper maintenance and use of all OSFAs and will inspect every OSFA for which a permit is required within 10 days after work is completed on the OSFA.
3. Fees and Deposits. Permit fees and escrow deposit amounts, as required by the Township, shall be set by resolution of the Township Board of Supervisors. The applicant for an OSFA application requiring a review by the Township Engineer and/or other professional consultant of the Township shall be required to post an appropriate escrow deposit and enter into a professional services agreement with the Township.

(Ord. 2011-04-02, 4/4/2011, Art. I)

§10-306. Enforcement.

1. The Township Manager, or his/her designee, the Code Enforcement and/or Zoning Officer are authorized to enforce this Part.
2. If the Township Manager, or his/her designee, finds or learns that any provision of this Part has been violated, he/she shall provide notification in writing to the person responsible for the violation and the property owner, indicating the nature of the violation and ordering the action necessary to correct it.
3. If the violation is not corrected within the time specified in the written notification from the Township, the Township Manager, or his/her designee, may:
 - A. Order repairs or removal of any OSFA and its supporting structures deemed to be dangerous, in disrepair or in violation of this Part and/or order the violating individual(s) to cease utilizing the outdoor solid fuel burning appliance.
 - B. Revoke the applicable permits.
 - C. Seek penalties, fines and injunctive relief in accordance with the law.

(Ord. 2011-04-02, 4/4/2011, Art. I)

§10-307. Penalties.

Any person that violates any provision of this Part or any lawful order relating to this Part by the Township Manager, or his/her designee, shall be subject to a fine of not less than \$100 nor more than \$600 per violation. Each day that the violation continues is a separate violation. In the event that New Britain Township incurs any expense in the enforcement of this Part, including, but not limited to, court costs and attorney's fees, the Township shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to New Britain Township. In addition to fines, judgments and/or costs set forth

HEALTH AND SAFETY

above, the Township reserves the right to pursue all other available remedies at law or in equity under the laws of the Commonwealth of Pennsylvania. Any person who has violated or permitted a violation of this Part shall be subject to having their permit suspended or revoked by the Township. Any person who has violated or permitted a violation of this Part shall also immediately cease all outdoor solid fuel burning appliance within the Township until otherwise permitted by the Township.

(Ord. 2011-04-02, 4/4/2011, Art. I)

§10-308. Appeals.

Any person aggrieved by the issuance of any permit or by a decision of the Township Manager, or his/her designee, under this Part may appeal the decision to the Township Board of Supervisors within 30 days of the date of the decision and/or order. The Township Board of Supervisors has the authority to interpret the provisions of this Part and to waive the standards included in this Part when a literal enforcement of the provisions of this Part would result in the unreasonable prohibition of outdoor solid fuel burning appliances. The Pennsylvania Local Agency Law, as amended, shall govern such appeals and proceedings.

(Ord. 2011-04-02, 4/4/2011, Art. I)

PART 4

CARBON MONOXIDE ALARM STANDARDS

§10-401. Title.

This Part shall be known and may be cited as the “Carbon Monoxide Alarm Standards Ordinance.”

(Ord. 2012-02-01, 2/27/2012, §1)

§10-402. Definitions.

The following words and phrases, when used in this Part, shall have the meanings given to them in this Section unless the context clearly indicates otherwise:

APPROVED CARBON MONOXIDE ALARM—includes:

- (1) A single station carbon monoxide alarm listed as complying with ANSI/UL2034 installed in accordance with this Part.
- (2) A device that may be combined with a smoke alarm if the combined alarm complies with ANSI/UL2034 for carbon monoxide alarms and ANSI/UL217 for smoke alarms, and emits an alarm in a manner that clearly differentiates between detecting the presence of carbon monoxide and the presence of smoke.

FOSSIL FUEL—coal, kerosene, oil, wood, fuel gases and other petroleum or hydrocarbon products which emit carbon monoxide as a by-product of combustion.

INSTALLED—a carbon monoxide alarm that is hardwired into the electrical wiring, directly plugged into an electrical outlet without a switch, other than a circuit breaker, or if the alarm is battery-powered, attached to the wall or ceiling of a residential building in accordance with National Fire Protection Association (NFPA) 720.

MULTI-FAMILY DWELLING—any building or structure consisting of two or more dwelling units where the occupants are primarily permanent in nature and which is wholly or partly used or intended to be used for living or sleeping. The term excludes the following:

- (1) Dormitories.
- (2) Monasteries.
- (3) Dwellings defined as “residential buildings” in this Part.

HEALTH AND SAFETY

OPERATIONAL—working and in service.

RESIDENTIAL BUILDING—detached one-family and two-family dwellings, and multiple single-family dwellings which are not more than three stories in height with a separate means of egress, which includes accessory structures.

(Ord. 2012-02-01, 2/27/2012, §I)

§10-403. Administration and Enforcement.

1. Nothing in this Part is intended to modify the authority and responsibilities of the Department of Labor and Industry under the Act of November 10, 1999 (P.L. 491, No. 45), known as the Pennsylvania Construction Code Act.
2. The Township Manager, or his/her designee, the Code Enforcement and/or the Zoning Officer are authorized to enforce this Part.
3. Failure to Install or Maintain. Willful failure to install or maintain in operating condition any carbon monoxide alarm required by this Part is a violation of this Part.
4. Tampering or Removal. Tampering with, removing, destroying, disconnecting or removing the batteries from any installed carbon monoxide alarm, except in the course of inspection, maintenance or replacement of the alarm, is a violation of this Part.

(Ord. 2012-02-01, 2/27/2012, §I)

§10-404. Carbon Monoxide Alarm Requirements.

1. Existing Residential Building. Each existing residential building having a fossil fuel-burning heater or appliance, fireplace or an attached garage sold after the effective date of this Part shall have an operational and centrally located carbon monoxide detector installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace. Upon sale of a residential building, the seller or buyer shall negotiate to ensure that the building is in compliance with the provisions of this Section. The seller shall disclose information regarding the installation of carbon monoxide detectors on the property disclosure statement required by 68 Pa.C.S., Chapter 73 (relating to seller disclosures).
2. Existing Multi-Family Dwellings. Each multi-family dwelling having a fossil fuel-burning heater or appliance, fireplace or an attached garage must have an operational, centrally located and approved carbon monoxide alarm installed in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace within one year of the effective date of this Part.

(Ord. 2012-02-01, 2/27/2012, §I)

§10-405. Carbon Monoxide Alarm Requirements in Rental Properties.

1. **Owner Responsibilities.** The owner of a residential building or multi-family dwelling having a fossil fuel-burning heater or appliance, fireplace or an attached garage used for rental purposes, and required to be equipped with one or more carbon monoxide alarms shall:
 - A. Provide and install an operational, centrally located and approved carbon monoxide alarm in the vicinity of the bedrooms and the fossil fuel-burning heater or fireplace.
 - B. Replace any required carbon monoxide alarm that has been stolen, removed, found missing or rendered inoperable during a prior occupancy of the rental property, and which has not been replaced by the prior occupant before the commencement of a new occupancy of the rental property.
 - C. Ensure that the batteries are in operating condition at the time the new occupant takes residence in the rental property.
2. **Maintenance, Repair or Replacement.** Except as provided in subsection (1), the owner of a residential building used for rental purposes is not responsible for the maintenance, repair or replacement of a carbon monoxide alarm or the care and replacement of batteries while the building is occupied. Responsibility for maintenance and repair of carbon monoxide alarms shall revert to the owner of the building upon vacancy of the rental property.
3. **Occupant Responsibilities.** The occupant of each residential building and multi-family dwelling used for rental purposes in which an operational and approved carbon monoxide alarm has been provided must:
 - A. Keep and maintain the device in good repair.
 - B. Test the device.
 - C. Replace batteries as needed.
 - D. Replace any device that is stolen, removed, missing or rendered inoperable during the occupancy of the building.
 - E. Notify the owner or the authorized agent of the owner in writing of any deficiencies pertaining to the carbon monoxide alarm.

(Ord. 2012-02-01, 2/27/2012, §I)

§10-406. Penalties.

Any person that violates any provisions of this Part or any lawful order relating to this Part by the Township Manager, or his/her designee, shall be subject to a fine of not less than

HEALTH AND SAFETY

\$100 nor more than \$600 per violation. Each day that the violation continues is a separate violation. In the event that New Britain Township incurs any expense in the enforcement of this Part, including, but not limited to, court costs and attorneys' fees, the Township shall be entitled to collect such costs from the violator. Any penalties or costs assessed shall be payable to New Britain Township. In addition to fines, judgments and/or costs set forth above, the Township reserves the right to pursue all other available remedies at law or in equity under the laws of the Commonwealth of Pennsylvania.

(Ord. 2012-02-01, 2/27/2012, §I)