

Chapter 10

Health and Safety

Part 1

Junkyards, Scrap Yards, and Salvage Yards

- §10-101. Short Title
- §10-102. Unlawful to Operate or Maintain Except as Provided
- §10-103. Definitions
- §10-104. Existing Junkyards, Scrap Yards, and Salvage Yards
- §10-105. Application for Permit
- §10-106. Issuance of Permit
- §10-107. Transfer of Permit
- §10-108. Transfer Fee
- §10-109. Minimum Requirements for Establishing or Expanding Junkyards, Scrap Yards, and Salvage Yards
- §10-110. Minimum Requirements for Operating and Maintaining All Junkyards, Scrap Yards, and Salvage Yards
- §10-111. Administration and Enforcement Procedures
- §10-112. Violations and Penalties
- §10-113. Enforcement

Part 2

Street Naming and Addressing

- §10-201. Title
- §10-202. Purpose and Justification
- §10-203. Scope
- §10-204. Administration
- §10-205. Definition of Terms
- §10-206. Street Naming Standards and Procedures
- §10-207. Building Numbering Standards and Procedures
- §10-208. Specifications for Building Numbers
- §10-209. Specifications for Location of Building Numbers
- §10-210. Street Signage Standards, Procedures and Specifications
- §10-210A. Emergency Response Map Update Fee
- §10-211. Time to Comply
- §10-212. Penalties

Part 3

Installation and Operation of Outdoor Wood Furnaces

- §10-301. Definitions
- §10-302. Regulations for Outdoor Wood Furnaces
- §10-303. Substantive Requirements
- §10-304. Suspension of Operation
- §10-305. Enforcement

- §10-306. Appeals and Variances
- §10-307. Violations; Enforcement Remedies; Abatement
- §10-308. Municipal Liability

Part 1**Junkyards, Scrap Yards, and Salvage Yards****§10-101. Short Title.**

This Part shall be known as the “Clifton Township Junkyard, Scrap Yard, and Salvage Yard Ordinance.”

(*Ord. 1-1983, 5/14/1983, §1*)

§10-102. Unlawful to Operate or Maintain Except as Provided.

From and after the effective date of this Part, it shall be unlawful for any person to establish or maintain or to continue to operate or maintain or to permit a junk, scrap, or salvage yard to be established maintained or operated on a lot or parcel of land under their ownership within the limits of the Township, except as provided for within this Part

(*Ord. 1-1983, 5/14/1983, §2*)

§10-103. Definitions.

For the purpose of this Part, the following items shall have the meanings respectively ascribed to them in this section, unless from the particular context it clearly appears that some other meaning is intended:

Junkyard, scrap yard, or salvage yard - a motor vehicle junk or graveyard, and/or any place where more than 5 tons or 5 cubic yards, whichever is lesser, of any combination of: machinery or equipment that is unused or unusable for its manufactured intended purpose; used building and construction materials; damaged or worn household and office furniture and furnishings; rags and other used, soiled, or damaged textile fabrics; scrap paper products; bottles and other used glass products; plastics and plastic products; all types of scrap metal; and all other items not usable or not in good repair or not intended to be repaired for reuse are collected, accumulated, stored, disassembled, treated, or processed.

Motor vehicle junk or grave yard - the accumulation of more than one motor vehicle or portion of more than one motor vehicles including, but not limited to, automobiles, trucks, vans, buses, truck trailers, recreation vehicles, and other vehicles intended for highway use which do not bear both a current inspection sticker and current registration plate and is not fit for immediate highway use and is situate on any one parcel of land. [*Ord. 1-1999*]

Person or owner - any natural person or persons, firm, partnership, corporation, or unincorporated association.

(*Ord. 1-1983, 5/14/1983, §3; as amended by Ord. 1-1986, 8/9/1986; and by Ord. 1-1999, 6/12/1999*)

§10-104. Existing Junkyards, Scrap Yards, and Salvage Yards.

All owners of record of parcels of land within Clifton Township upon which a junkyard, scrap yard, or salvage yard is currently operated or maintained or is proposed

to be established, operated, or maintained shall obtain a permit as provided hereinafter, for which permit a fee in accordance with the schedule of fees which will be adopted by the Board of Supervisors by resolution from time to time shall be paid to the use of the Township. The permit shall expire 1 year after the date of its issuance but may be renewed, under the provisions of this Part, for additional periods of 1 year. All owners shall obtain a special permit for the crushing of cars or other materials at the junkyard site.

(Ord. 1-1983, 5/14/1983, §4)

§10-105. Application for Permit.

The permit provided for in this Part shall be issued by the Board of Supervisors. Written application for such permit shall be made to the Township Secretary. A permit application form as provided by the Board of Supervisors shall be completed and signed by the owner of the parcel of land upon which the junkyard, scrap yard, or salvage yard is established, operated, or maintained or proposed to be established, operated, or maintained and shall also be signed by the person or persons operating the junkyard, scrap yard, or salvage yard in those instances where the parcel owner is not the person or persons responsible for its day to day operation. The applicant shall submit, along with the completed application form, a plot of the parcel of land used or proposed to be used in connection with such permit. This plot shall show the location of the property lines, buildings and structures erected or proposed to be erected thereon, areas used or proposed to be used as a junkyard, scrap yard, or salvage yard and any existing dwellings on adjacent parcels of land.

(Ord. 1-1983, 5/14/1983, §5)

§10-106. Issuance of Permit.

Upon receipt of an application by the Board, the Board shall approve the application or shall disapprove the application for permit after an examination of the application and taking into consideration the suitability of the property proposed to be used for the purposes of the permit, the character of the properties located nearby, and the effect of the proposed use upon the Township, both economic and aesthetic. In the event the Board shall approve the permit application, it may impose upon the permit and the person applying therefor such terms and conditions in addition to the regulations herein contained and adopted pursuant to this Part as may be deemed necessary to carry out the spirit and intent of this Part. Upon satisfactory compliance with all applicable requirements and conditions of the approval of the permit application by the applicant, the Board of Supervisors shall issue the permit. A copy of the issued permit shall be posted conspicuously upon the premises permitted thereunder.

(Ord. 1-1983, 5/14/1983, §6)

§10-107. Transfer of Permit.

No permit issued by the Board of Supervisors shall be transferable by the permittee(s) unless such a transfer is authorized by the Board of Supervisors. Authorization of the transfer of permit is required for the continuation of operation and maintenance of a junkyard, scrap yard, or salvage yard in the event that there is a

transfer of ownership of the land parcel involved or a transfer of responsibility for the day to day operation of the scrap yard, junkyard, or salvage yard. Any person or persons desiring to transfer a current and valid permit shall notify the Board of Supervisors, in writing, which notification shall be accompanied by an application for a permit completed as required in §10-105 of this Part by the proposed transferee.

(Ord. 1-1983, 5/14/1983, §7)

§10-108. Transfer Fee.

In the event that the Board of Supervisors shall approve the transfer of a permit, the transferee shall approve the transfer of a permit, the transferee shall immediately pay to the Township the transfer fee adopted by the Board of Supervisors by resolution.

(Ord. 1-1983, 5/14/1983, §8)

§10-109. Minimum Requirements for Establishing or Expanding Junkyards, Scrap Yards, and Salvage Yards.

In order to receive a permit to establish a new junkyard, scrap yard, or salvage yard or to expand an existing junkyard, scrap yard, or salvage yard on any parcel of land within Clifton Township the following minimum requirements must be met.

A. The minimum size parcel of land upon which a junkyard, scrap yard, or salvage yard shall be permitted to be established or expanded shall be 5 acres.

B. The maximum size area to which any junkyard, scrap yard, or salvage yard may be established or expanded shall be 10 acres.

C. All collected, accumulated, or stored materials, equipment, structures, and any other part of any junkyard, scrap yard, or salvage yard operation shall be located at least 100 feet from any public road or private development road right-of-way and from any parcel line, and at least 100 feet from any water course, body of water, or wetland area.

D. The Board of Supervisors may set such other requirements and conditions as they may deem appropriate, based upon the specific characteristics of the parcel of land upon which the operation is to be established or expanded, to fulfill the intent of this Part.

(Ord. 1-1983, 5/14/1983, §9)

§10-110. Minimum Requirements for Operating and Maintaining All Junkyards, Scrap Yards, and Salvage Yards.

In order to receive and maintain a valid permit for the continued operation for any junkyard, scrap yard, or salvage yard, existing at the effective date of this Part or established or expanded after the effective date, the following minimum requirements must be met at all times.

A. No junkyard, scrap yard, or salvage yard operation may be expanded within a distance of 100 feet of a public road right-of-way or private development road right-of-way, or a parcel boundary line, or within a distance of 100 feet from any watercourse, body of water, or wetland.

B. All portions of the stored materials and operation must be screened from view beyond the parcel line boundary at all times. A screen of plant materials or

a solid fence no less than 6 feet in height may be required by the Township Board of Supervisors to be established or erected to provide complete, effective screening from roads and adjacent properties.

C. No flammable liquid shall be permitted to remain in any junked container, whether the container is a separate item or is an integral part of another item, at any time. All petroleum products and other chemicals shall be collected in suitable safe containers and shall not be discharged or disposed of upon the surface or in the subsurface of the junkyard site.

D. All rags and other used, soiled, or damaged textile fabrics, scrap paper products, bottles, and other used glass products; plastics and plastic products and worn or damaged household furnishing and furniture shall be stored within a completely enclosed building constructed of fire resistant materials.

E. The areas of operation and use shall at all times be maintained so as not to constitute a nuisance or a menace to the health of the community or of residents nearby, or a place for the breeding of rodents and vermin or other vectors.

F. The manner of storage and arrangement of junk, and the drainage facilities of the premises shall be such as to prevent the accumulation of stagnant water upon the premises, and to facilitate access for firefighting purposes.

G. No burning of any materials shall be allowed at any time in a junkyard, scrap yard, or salvage yard. [*Ord. 3-2008*]

H. No garbage or other organic waste, hazardous chemicals, or other hazardous wastes shall be accumulated, stored, disassembled, treated, or processed on the premises or be a part of the operation of a junkyard, scrap yard, or salvage yard.

I. There shall be established and maintained in all junkyards, scrap yards, and salvage yards parallel aisles or roadways of not less than 10 feet in width and not more than 50 feet apart, and intersecting vehicular aisles or roadways of not less than 10 feet in width and not more than 500 feet apart. All aisles or roadways must be kept clear of weeds and brush at all times. The stacking of one motor vehicle on top of another is prohibited.

J. The operation of the junkyard, scrap yard, or salvage yard including but not limited to collection, disassembling, treatment, processing shall be limited to those hours between 8 a.m. and 6 p.m. prevailing time on Monday, Tuesday, Wednesday, Thursday, Friday, and Saturday.

K. The Township Board of Supervisors may set further requirements or conditions for any specific permit based upon specific characteristics of the parcel of land, characteristics of surrounding properties and specific characteristics of the operation or materials to be handled as they deem appropriate and necessary to fulfill the intent of this Part.

L. A special permit shall be obtained for the crushing of motor vehicles or other junk material. A permit so issued will be valid for no more than 14 business days in any 1 calendar year.

(*Ord. 1-1983, 5/14/1983, §10; as amended by Ord. 3-2008, 11/13/2008*)

§10-111. Administration and Enforcement Procedures.

1. *Procedures for Existing Establishments.* Within 30 days following the effective date of this Part the Clifton Township Board of Supervisors or their designated representative shall survey the entire Township and identify all existing junkyards, scrap yards, and salvage yards as defined by this Part and shall notify, in writing, owners of the parcels of land upon which identified existing junkyards, scrap yards, and salvage yards are established that a permit for continued operation is required by Township ordinance.

A. Owners of parcels of land upon which junkyards, scrap yards, or salvage yards existing at the effective date of this Part or identified at the time of the initial survey shall apply for a permit to continue operation and maintenance or shall discontinue operation of the junkyard, scrap yard, or salvage yard and remove all junk, scrap, or salvage materials accumulated on the parcel within 30 days following the effective date of this Part or within 30 days following receipt of a notification that a permit is required for its continued operation and maintenance. Failure to apply for a permit or to discontinue operation and remove all accumulated junk, scrap, or salvage materials from the parcel of land within this 30-day period will be deemed a violation of this Part.

B. Upon receipt of a properly prepared and submitted written application for a permit under this Part, the Township Board of Supervisors shall review and take action to, approve or disapprove the application and shall notify the applicant of their decision in writing within 30 days following receipt of a properly prepared and submitted application. This written notification shall specify all requirements and conditions to be met by the applicant prior to issuance of a permit. Applicants notified of approval of their applications shall meet all requirements and conditions within 30 days following receipt of written notification of application approval and make written request to the Board of Supervisors for inspection of the operation and issuance of the permit. Applicants notified of disapproval of their application and applicants who do not agree to the specified requirements or conditions for issuance of a permit shall discontinue operation and maintenance of the existing junkyard, scrap yard, or salvage yard and shall remove all accumulated materials from the parcel of land within 30 days following written notification of the decision of the Board of Supervisors. Failure to meet the requirements or conditions for issuance of a permit or failure to discontinue operation and remove all accumulated materials within 30 days following notification of Township Board of Supervisors' decision on the permit application shall be deemed a violation of this Part.

2. *Procedure for Continuing Enforcement.* After issuance of any permit the Township Board of Supervisors or their designated representative may make periodic inspections of permitted junkyards, scrap yards, or salvage yards, or may inspect operations in response to any complaints of violations of requirements of this Part. When any violations of the requirements and conditions of a permit issued under this Part are found to exist during such inspection, the Board of Supervisors shall notify the land owner permittee in writing, stating the nature of the violations found during the inspection(s) and the remedies required. The permittee shall within 15 days correct or remedy all violations as specified in the written notification. If the permittee fails to remedy or correct violations within this 15-day period the Township Board of Supervisors shall revoke the permit. Continuation of operation or maintenance of the junkyard, scrap yard, or salvage yard after the receipt of notification of revocation of the

permit shall be deemed a violation of this Part.

3. *Procedure for New Establishments.* In instances where new junkyards, scrap yards, or salvage yards are proposed to be established after the effective date of this Part, the parcel owner shall prepare and submit an application prior to taking any physical action to establish or operate the proposed junkyard, scrap yard, or salvage yard. Following receipt of application for permit to establish a new junkyard, scrap yard, or salvage yard the Township Board of Supervisors and the applicant shall follow the procedure and schedules as stated earlier in this Section. Failure to apply for a permit prior to establishing the junkyard, scrap yard, or salvage yard or failure to meet subsequent requirements as scheduled shall be deemed a violation of this Part.

4. *Procedure for Transfer of Permit.* Upon receipt of application of transfer of permit, the Township Board of Supervisors or their designated representative shall inspect the establishment for compliance with requirements of this Part and any conditions required for the issuance of the existing permit. In those cases where violations of requirements and conditions exist, the Township Board of Supervisors shall notify the land owner permittee in writing, stating the nature of the violations and the remedies required. The permittee shall, within 15 days, correct or remedy the violations as specified in the notification. No transfer of permit shall be approved until all existing violations of requirements and conditions of the permit are remedied.

(*Ord. 1-1983, 5/14/1983, §11*)

§10-112. Violations and 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 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. In addition to the remedies provided hereinbefore, any continued violation shall constitute a nuisance in fact and may be abated by proceedings in a Court of equity.

(*Ord. 1-1983, 5/14/1983, §12; as amended by Ord. 3-2008, 11/13/2008*)

§10-113. Enforcement.

1. 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. 3-2008*]

2. The Board of Supervisors may direct the abatement, removal, repair, or alteration, as the case may be, to be done by the Township and shall certify the costs thereof to the Township Solicitor. The cost of such abatement, removal, repairs, or alterations shall constitute a lien upon such premises from the time of such abatement,

removal, repair, or alteration, which date shall be determined by the certificate of the person doing such work, and filed with the Township Secretary.

3. The Township, by means of a complaint in equity, may compel the owner, or the lessee or other occupant, or both, of the premises on which the nuisance is maintained to comply with the terms of any notice of violation, or seek any such other relief as a court of competent jurisdiction is empowered to afford.

(Ord. 1-1983, 5/14/1983, §13; as added by Ord. 1-1999, 6/12/1999; and as amended by Ord. 3-2008, 11/13/2008)

**Permit to Operate a Junkyard in
Clifton Township, Lackawanna County, Pennsylvania**

THIS IS TO CERTIFY THAT _____
of _____
has procured from Clifton Township a permit to operate a junkyard on the premises
located at _____
_____ tax parcel number _____
covering an area of _____
THE OWNER of said premises at _____

THE OPERATOR of the junkyard is _____

Secretary of Clifton Township

**Application for Permit to Establish and/or Operate
a Junkyard in Clifton Township, Pennsylvania**

Application is hereby made to the Supervisors of Clifton Township, Pennsylvania for permit to establish and/or operate a junkyard in Clifton Township, Pennsylvania:

1. Date of application: _____
2. Name of applicant: (owner of property) _____
3. Address of applicant: _____
4. Place for which license is required: _____
_____ tax parcel number _____
5. Size of parcel of land licensed: _____
6. Size of land area to be used as junkyard: _____
7. Name of operator of junkyard: _____
8. Yearly license fee: _____
9. I agree to operate the junkyard according to the Clifton Township Junkyard ordinance.

Signature of Parcel Owner

Signature of Operator

Part 2**Street Naming and Addressing****§10-201. Title.**

This Part, adopted pursuant to the Second Class Township Code, 53 P.S. §67329, shall be known as and may be cited as the “Street Naming and Addressing Ordinance” of the Township of Clifton, Lackawanna County, Pennsylvania.

(Ord. 1-2008, 3/18/2008, §1)

§10-202. Purpose and Justification.

1. This Part is to enhance the effective and rapid location of properties by public safety personnel, including law enforcement, fire, rescue and emergency medical services personnel within the geographical area of Clifton Township. This Part is further designed to eliminate duplicate or phonetically similar street names, to provide for the uniform marking of streets and roadways, and to provide for the assignment of number for all properties and buildings throughout the Township.

2. The following are major objectives of this Part:

A. To provide a means for expedient emergency response by fire, police, rescue, medical and any other emergency services.

B. To establish a property location that will serve as an Emergency 911 address.

C. To assist in the proper delivery of mail, utility and other services.

D. To provide property owners and the Township with a convenient, accurate and systematic means of identifying property.

E. To name new streets and rename old streets with conflicting or duplicate names in order to provide for efficient emergency services.

F. To support the Township move to the enhanced 911.

(Ord. 1-2008, 3/18/2008, §2)

§10-203. Scope.

This Part, the regulations, and the procedures contained herein shall apply to and govern each and every lot, parcel or tract of land and improvement thereof, within the Township of Clifton. All residential, multi-family and commercial buildings existing as of the time of adopting this Part, or existing at any future time, will be assigned a primary structure number.

(Ord. 1-2008, 3/18/2008, §3)

§10-204. Administration.

This Part shall be administered by the Clifton Township Zoning Officer. The Clifton Township Zoning Officer shall be responsible for the administration of these standards and the maintenance of all maps and data relating to street naming and addressing. The Clifton Township Zoning Officer shall process applications for street names and

address assignments and determine if the assignment of names and numbers conforms to this Part.

(*Ord. 1-2008, 3/18/2008, §4*)

§10-205. Definition of Terms.

Words and phrases used in this Part shall have the meaning ascribed to them in the Clifton Township Zoning Ordinance [Chapter 27], as amended, except where the context clearly indicates a different meaning.

(*Ord. 1-2008, 3/18/2008, §5*)

§10-206. Street Naming Standards and Procedures.

The following standards and procedures shall be utilized when naming streets:

A. All streets that serve two or more properties under different ownership will be named regardless of whether the ownership is public or private.

B. A street name assigned by the Township shall not constitute or imply acceptance of the street into the Township road system.

C. No two streets shall be given the same name (e.g., Pine Road and Pine Lane).

D. No two streets should have similar sounding names (e.g., Beach Street and Peach Street). It will help the public and children, in particular, to pronounce the name in emergency situations.

E. Each street will have the same name throughout its entire length.

F. No street name shall be over 16 characters in length. In counting characters, spaces between words shall be included, but street name suffixes (e.g., road, drive, lane, circle) shall not be included.

(*Ord. 1-2008, 3/18/2008, §6*)

§10-207. Building Numbering Standards and Procedures.

The following standards and procedures shall be used in assigning numbers to buildings:

A. Official property numbers shall proceed from a logical point of origin. Each street will have a point of origin as a zero starting point for address numbers.

B. Allowances shall be made for vacant properties in order that numbers may be properly assigned for future development.

C. One property identification number shall be assigned, at an interval of 52.8 feet (the equivalent of 100 addresses for each mile of roadway). This is a widely used standard in assigning addresses throughout the country.

D. Numbers will be assigned along both sides of a road. Odd-numbered addresses will be assigned on the North side of East-West streets and on the West side of North-South Streets. Even-numbered addresses will be assigned on the South side and East side, respectively (odd left/even right).

E. Numbers shall be established based on the front entrance from the street, from the center of the driveway.

F. Mobile home park lots shall have unit numbers throughout the park.

G. Numerals placed on mailboxes for U.S. Postal Service identification shall not be a substitute for the building number assigned under this Part.

H. The assignment of a building number is required prior to the issuance of a zoning permit.

I. The center of all streets shown on subdivision plans submitted to the Township shall be marked, by line or dot, every 52.8 feet to aid in the assignment of building numbers in the proposed subdivision.

(*Ord. 1-2008, 3/18/2008, §7*)

§10-208. Specifications for Building Numbers.

Building numbers shall comply with the following specifications:

A. Building numbers shall be depicted in Arabic numerals or shall be the English words for such numerals.

B. Building numbers shall be made of durable materials.

C. Each digit or letter shall be at least 5 inches in height when affixed to the building and at least 3 inches in height when affixed to a mailbox or other post.

D. The color of the building numbers shall be in contrast with the immediate background and the building numbers shall be of highly reflective material (Class I, Class I-A or Class II reflective sheeting, or equal) so as to be easily readable day and night. [*Ord. 1-2010*]

E. It shall be unlawful to cover or conceal, or to permit the site obstruction of the building numbers.

F. It shall be unlawful to post other numbers that may be confusing.

G. All old numbers shall be removed when a new building number has been assigned in accordance with this Part.

H. The property owner shall maintain the building numbers in such a manner that they continue to comply with the foregoing specifications.

(*Ord. 1-2008, 3/18/2008, §8; as amended by Ord. 1-2010, 3/11/2010*)

§10-209. Specifications for Location of Building Numbers.

1. Building numbers shall be conspicuously located and placed so as to clearly identify the building they relate to.

2. The placement of building numbers must be such that they can be seen and read with the naked eye from either side of the traveled portion of the street.

3. Provided the location of the building numbers complies with subsections .1 and .2 above, the building numbers may be affixed to the building, or upon a mailbox, fence, wall, post, rod, or other type of fixture of substantial nature, or both.

4. In the case of a mall or a shopping center, the owner of any business that is located within such mall or shopping center shall display the legally assigned number at the main entrance to the business. Additionally, the owner of each such business shall display the legally assigned number on the rear door to the building in numbers which are not less than 3 inches in height.

(Ord. 1-2008, 3/18/2008, §9)

§10-210. Street Signage Standards, Procedures and Specifications.

1. *Installation of Street Name Signs.*

A. In subdivisions existing on the effective date of this Part, the property owners association (or other similar entity) representing the property owners in the subdivision, or the property owners in said subdivision (if there is no property owners association or similar entity) shall be responsible for installing street name signs with the approved name of the street and the intersecting street.

B. In subdivisions which have not been approved prior to the effective date of this Part, the developer shall be responsible for installing street name signs with the approved name of the street and the intersecting street prior to final approval of the subdivision plan; provided, however, that in accordance with the Clifton Township Subdivision and Land Development Ordinance [Chapter 22], and §509 of the Municipalities Planning Code, 53 P.S. §10509, said street signs may be treated as a required improvement and in lieu of completion of the installation of said signs, the developer can submit sufficient financial security to the Township to guarantee said installation, In the latter event (i.e., final approval of the subdivision plan is given prior to the installation of the street signs), no occupancy permits for any building or buildings to be erected shall be issued until such time as the street signs are installed.

C. In all other cases, the property owners adjoining the street shall be responsible for installing signs with the approved name of the street and the intersecting street.

D. The Township will only be responsible to install street name signs for Township maintained roads.

2. *Maintenance of Street Name Signs.*

A. In subdivisions existing on the effective date of this Part, the property owners association (or other similar entity) representing the property owners in the subdivision, or the property owners in said subdivision (if there is no property owners association or similar entity) shall be responsible for maintenance of the street name signs.

B. In subdivisions approved after the effective date of this Part, developers shall submit with the preliminary and final plan provisions for the perpetual maintenance of the street name signs.

C. In all other cases, the street name signs shall be maintained by the owners of property adjoining said street.

3. Specifications for street name signs, street name signs shall comply with the following specifications:

A. Street name signs shall be of a durable metal construction.

B. Street name signs shall be at least 6 inches in height with letters at least 4 inches in height.

C. Street name signs shall be located at a height of at least 7 feet above the center of the street where they are located.

D. Street name sign colors shall be in sharp contrast with the immediate background so as to be easily readable (e.g., green or white, blue or white, red or white or brown or white).

E. The letters on the street name signs should be of a reflective material or coated with a reflective material.

F. The pole on which the street name sign is located shall be made of a nonorganic durable material.

G. The pole on which the street name sign is located shall be located no more than 10 feet from the cartway of the adjoining street and the street name sign shall be clearly visible with the naked eye from all directions of travel.

(Ord. 1-2008, 3/18/2008, §10)

§10-210A. Emergency Response Map Update Fee.

In order to include the most current lot and dwelling unit information on the Township 911 Emergency Response Map (the “map”) the Township shall require the payment of fees to cover the cost of updating the map as necessary to reflect new lots or dwelling units approved under the Township Subdivision and Land Development Ordinance [Chapter 22].

A. The fee shall be applied to all subdivisions and land developments which will result in the creation of any lot, dwelling unit or land development which requires a new identification on the map for enhanced 911 emergency response.

B. The fee shall be paid by the developer at the time the final subdivision and/or land development plan is submitted to the Township for review in accord with the Township Subdivision and Land Development Ordinance [Chapter 22]. If the plan is not approved the fee shall be returned to the developer.

C. The amount of the fee shall be established by resolution of the Board and shall not exceed the professional service costs associated with the updating of the map plus reasonable Township administrative costs. The professional fees shall be reasonable and in accord with the ordinary and customary charges by the municipal consultant for similar service to the Township, but in no event shall the fees exceed the rate or cost charged by the consultant to the Township when fees are not reimbursed or otherwise imposed on the developer.

(Ord. 1-2008, 3/18/2008; as added by Ord. 1-2009, 6/11/2009, Item 1)

§10-211. Time to Comply.

1. Building Numbering.

A. It shall be the duty of Clifton Township to notify by mail each property owner and the post offices of the new addresses.

B. It shall be the duty of each property owner to install numbers on the property owner's building or buildings in compliance with this Part within 90 days of notification. On new structures, numbering must be installed prior to the first use or occupation of the building.

2. Street Signs.

A. It shall be the duty of Clifton Township to notify by mail each property

owners association (or similar entity) or the property owners adjoining the street (in those cases where the property owners adjoining the street are responsible for installing the street signs) of the enactment of this Part and their obligation to install street signs in compliance with this Part.

B. At locations where there are existing streets, but where there are no street name signs on the effective date of this Part, it shall be the duty of the persons or entities responsible for installing such street name signs (see §10-210.1 above) to install street name signs in compliance with this Part within 90 days of notification.

C. At locations where there are existing street name signs on the effective date of this Part, but which existing street name signs do not conform to the terms and specifications of this Part, it shall be the duty of the person or entities responsible for maintaining said existing street name signs (see §10-210.2 above), to bring said street name signs in compliance with the terms and specifications of this Part within 3 years from the effective date of this Part.

D. All street name signs installed after the effective date of this Part (whether being installed where there previously was no street name sign, or replacing an existing street name sign), shall comply with the terms and specifications of this Part.

(Ord. 1-2008, 3/18/2008, §11)

§10-212. 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 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. 1-2008, 3/18/2008, §12; as amended by Ord. 3-2008, 11/13/2008)

Part 3**Installation and Operation of Outdoor Wood Furnaces****§10-301. Definitions.**

Chimney - flue or flues that carries off exhaust from an outdoor wood furnace firebox or burn chamber.

Emergency case - a violation which poses an imminent threat to the public health, safety or welfare and which requires immediate action to eliminate such imminent threat.

Enforcement officer - the individual(s), agency or firm appointed by the Clifton Township Board of Supervisors to enforce the provisions of this Part.

EPA OWHH Phase 1 Program - EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase 1 Program administered by the United States Environmental Protection Agency.

EPA OWHH Phase 1 Program Qualified Model - an outdoor wood-fired hydronic heater that has been EPA OWHH Phase 1 Program qualified. The model has met the EPA OWHH Phase 1 emission level and has the proper qualifying label and hang tag.

Natural wood - wood, which 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.

Outdoor wood furnace - any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary 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 furnace may also be referred to as an outdoor wood boiler or outdoor wood-fired hydronic heater.

A. *Existing outdoor wood furnace* - an outdoor wood furnace that was purchased and installed prior to the effective date of this Part.

B. *New outdoor wood furnace* - an outdoor wood furnace that is first installed, established or constructed after the effective date of this Part.

(Ord. 5-2008, 12/11/2008, §1)

§10-302. Regulations for Outdoor Wood Furnaces.

1. *Applicability*. No person shall, from the effective date of this Part, construct, install, replace, establish, operate or maintain an outdoor wood furnace other than in compliance with the applicable Sections of this Part.

2. *Permit; Fee*. A permit shall be required for the installation, construction or replacement of an outdoor wood furnace, and application shall be made to the enforcement officer in the form prescribed by the Township. The application shall be accompanied by the proper fee amount as established by resolution of the Board of Supervisors.

3. *Operation*. No person shall, from the effective date of this Part, operate an outdoor wood furnace unless such operation conforms with the manufacturer's

instructions regarding such operation and the requirements of this Part.

4. *Manufacturer's Standards.* All new outdoor wood furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's specifications and instructions and the requirements of this Part. In the event of a conflict, the more restrictive shall apply.

5. *Manufacturer's Manual/Instructions.* The owner of any new outdoor wood furnace shall produce the manufacturer's owner's manual or installation instructions to the enforcement officer to review prior to installation.

6. *Laboratory Certification.* All new outdoor wood furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

(Ord. 5-2008, 12/11/2008, §4)

§10-303. Substantive Requirements.

Outdoor wood furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

A. *EPA Qualified.* All new outdoor wood furnaces shall be EPA OWHH Phase I program qualified and carry the orange tag which states: "This model has been tested by an accredited independent laboratory according to EPA Method 28 OWHH and meets the emissions level for U.S. EPA's Phase I Voluntary Program."

B. *Fuels Permitted.* Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

C. *Fuels Prohibited.* The following fuels are strictly prohibited in new or existing outdoor wood furnaces:

(1) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

(2) Trash, rubbish or garbage including, but not limited to, food wastes, food packaging, food wraps, grass clippings, lawn waste, or manure.

(3) Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, 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 or this provision.

D. *Parcel Size; Setbacks for New Outdoor Wood Furnaces.* A minimum parcel size of 2 acres shall be required and the outdoor wood furnace shall:

(1) Not be located in the front yard of the structure it serves.

(2) Not be less than the following distance from property lines or road rights-of-way:

(a) Furnaces which are EPA OWHH Phase I Program qualified - 50 feet.

(b) Furnaces which are not EPA OWHH Phase 1 Program qualified - 100 feet. (This Section not recurred if §10-203.A is included.)

(3) Be located in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials but in no case less than _____ feet from any building.

E. *Chimney Height.*

(1) The chimney of any new outdoor wood furnace shall extend at least 2 feet above the peak of the building it serves and any occupied principal building not served by the outdoor wood furnace located within 300 feet of such outdoor wood furnace.

(2) If there is an existing outdoor wood furnace already installed and there is new construction of an occupied principal building not served by the outdoor wood furnace within 300 feet of such outdoor wood furnace then the owner of such outdoor wood furnace shall conform to the stack height requirements of paragraph .E(1) above within 30 days of the date such construction is complete.

(3) The height of the chimney shall not exceed 50 feet.

F. *Spark Arresters.* All new outdoor wood furnaces shall be equipped with properly functioning spark arresters in accord with the manufacturer's specifications.

(Ord. 5-2008, 12/11/2008, §3)

§10-304. Suspension of Operation.

The enforcement officer may require the suspension of the operation of any outdoor wood furnace as necessary to protect the public health, safety and welfare if any of the following conditions occur. The suspension may be lifted by the Enforcement Officer 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 shall be considered a violation of this Part subject to the penalties provided within this Part:

A. Malodorous air contaminants are detectable outside the property of the person on whose land the outdoor wood-fired burner/furnace is located.

B. The emission interferes with the reasonable enjoyment of life on neighboring property.

C. The emissions cause damage to vegetation on neighboring property.

D. The emissions are or may be harmful to human or animal health.

E. The burning of any material referenced in §10-303.C.

F. Any other condition which constitutes a public nuisance as defined by the Township Nuisance Ordinance [Chapter 16].

(Ord. 5-2008, 12/11/2008, §4)

§10-305. Enforcement.

1. *Enforcement Officer.* The Board of Supervisors shall appoint an individual, agency or firm to serve as the enforcement officer, who shall be responsible for enforcing the terms of this Part.

2. *Inspections: Permission.* The enforcement officer, and any other agent so authorized by the Board of Supervisors, may inspect any premises to determine whether any violations of this Part exist. Prior to entering upon any property to conduct an inspection, the enforcement officer shall obtain the permission of the owner or occupant for the same. If after due diligence, the enforcement officer is unable to obtain such permission, the enforcement officer shall have the authority to conduct the necessary inspection in accord with this Part and the applicable laws of the Commonwealth, and if necessary, petition a competent court with jurisdiction for a court order authorizing the inspection. If, upon review of petition, a court orders the inspection, the defendant named in the order shall reimburse the Board of Supervisors for court costs and reasonable attorney fees. The enforcement officer may, upon authorization of the Board of Supervisors, consult with the Township Engineer or any other qualified person, in making the determination regarding a violation.

3. *Notice.* Whenever an inspection discloses that a violation exists, the enforcement officer shall, upon authorization by the Board of Supervisors, issue a notice to the owner and/or occupant of the premises. The notice shall:

A. Be in writing.

B. Include a statement of the reasons it is being issued.

C. State a reasonable time to rectify the conditions constituting the violation, and may contain an outline of remedial action which, if taken, will effect compliance with the provisions of this Part.

D. Inform the owner that he has a right to a hearing in accord with §10-306.

E. Inform the owner that should he fail to comply with the order or request a hearing, the Township Supervisors will order the correction of the violation, and in accord with this Part, will assess any and all costs, expenses (including, but not limited to, constable, attorney, engineering and consulting fees), and penalties incurred against the land on which the violation is located.

4. *Service of Notice.* Except in emergency cases, the notice shall be sent by registered mail or by certificate of mailing, or personally delivered to, the owner, and/or the occupant of the premises. Where the owner is absent from the Township, all notices shall be deemed to be properly served upon the owner if:

A. A copy of the notice is served upon the owner personally.

B. A copy of the notice is sent by registered mail or by certificate of mailing to the last known address of the owner, regardless of receipt, and is posted in a conspicuous place on or about the premises affected by the notice.

C. The owner is served with such notice by any other method authorized under the laws of the Commonwealth.

5. *Hearing Appearance.* The enforcement officer shall appear at all hearings conducted in accord with §10-306 and testify as to the violation.

6. *Emergency Cases (See definition in §10-301).* Whenever the enforcement officer

finds that an emergency exists which requires immediate action to protect the public health, welfare or safety, he may, without notice or hearing, issue an order reciting the existence of such an emergency and requiring that such action be taken as is necessary to correct the violation and eliminate the emergency. Notwithstanding the other provisions of this Part, such order shall be effective immediately. The costs of such emergency correction shall be collected in the same manner as provided herein for other cases.

(Ord. 5-2008, 12/11/2008, §5)

§10-306. Appeals and Variances.

1. *Appeal Hearing Request.* Any person affected by any notice which has been issued in connection with the enforcement of any provision of this Part, may request and shall be granted a hearing on the matter before the Board; provided, that such person shall file with the Board in writing a request for a hearing setting forth a brief statement of the grounds therefore within 10 days after the day the notice was served in accord with §10-305. Any notice served pursuant to this Part shall automatically become an order if a written request for a hearing is not filed with the Board within 10 days after such notice is served.

2. *Variance Request.* Any person affected by this Part may request a variance from its terms and shall be granted a hearing on the matter before the Board. In making its determination, the Board shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the neighborhood or community by such grant. In making such determination the Board shall also consider:

A. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance.

B. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance.

C. Whether the requested variance is substantial.

D. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board, but shall not necessarily preclude the granting of the variance.

2. *Conducting Hearings.* Upon receipt of such request, a time and place for such hearing shall be scheduled and advertised in accord with the Pennsylvania Sunshine Law. The Board of Supervisors shall conduct hearings in accord with this Section or may appoint three Township residents holding no other Township office to serve as a hearing board with all of the powers established by this Section. All hearings shall be conducted in accord with the Local Agency Act. At such hearing the person requesting the hearing shall be given an opportunity to be heard and. The Board shall commence the hearing not later than 60 days after the day on which the request was received in the Township office.

3. *Board Action.* After such hearing the Board shall sustain the notice, modify the standards which are the subject of the notice and attach conditions, or withdraw the notice. If the Board sustains or modifies such notice, it shall be deemed to be an order.

4. *Appeal.* Any aggrieved party may appeal the final order to the Court of Common Pleas of Lackawanna County in accord with the provisions of the Pennsylvania Local Agency Law.

5. *Fee.* The person requesting the hearing shall pay the fee for such hearing as may be established by resolution of the Board of Supervisors.

(Ord. 5-2008, 12/11/2008, §6)

§10-307. Violations; Enforcement Remedies; Abatement.

1. *Compliance.* Failure to comply with any provision of this Part and/or failure to comply with an order to abate a violation shall be violations of this Part.

2. *Fine; Imprisonment.* Any person who has violated or permitted the violation of any provisions of this Part, upon judgment thereof by any magisterial district judge be sentenced to pay a fine of not less than \$100, nor more than \$1,000 per day of violation, together with the costs of suit, and/or shall be committed to the Lackawanna County Prison for a period not exceeding 30 days. Each day of violation shall constitute a separate offense, for which a summary conviction may be sought. All judgments, costs, interest and reasonable attorney fees collected for the violation of this Part, shall be paid over to the Township.

3. *Other Remedies.* In addition to the fines, judgments, and/or imprisonment remedies of subsection .2, the Board reserves the right to pursue independent and cumulative remedies at law or equity including a demand for reimbursement of all court costs and reasonable attorney fees.

4. *Abatement by Township and Recovery of Costs.* In addition, if the owner or person in control of any dangerous premises, or act or condition constituting a public nuisance or violation of this Part, fails to respond to a notice of violation directing the removal or abatement of the public nuisance or correction of the violation within the time limit prescribed by the notice, or fails to appeal to the Board of Supervisors, or fails to comply with the determination of the appeal made by the Board of Supervisors, the Enforcement Officer and/or the Board of Supervisors shall be empowered to cause such work of abatement to be commenced and/or completed by the Township and the cost and expense thereof with a penalty of 10 percent, plus expenses, constable, attorney, engineering and consulting fees and interest, shall be collected from the owner of such premises, in the manner provided by law.

(Ord. 5-2008, 12/11/2008, §7)

§10-308. Municipal Liability.

Clifton Township, and its agents, officials and representatives shall not under any circumstances be liable or legally responsible for activities or conditions which constitute a violation or a public nuisance under the terms of this Part. Any liability or damages resulting from activities or conditions constituting a violation or a public nuisance are the sole responsibility of the owner of the property, or the person or persons responsible for said activity or condition. The failure to enforce the terms of this Part shall not constitute a cause of action against Clifton Township or its agents, officials or representatives.

(Ord. 5-2008, 12/11/2008, §8.C)