

**ADAMS TOWNSHIP
CAMBRIA COUNTY, PENNSYLVANIA**

ORDINANCE NO. 129

AN ORDINANCE OF THE TOWNSHIP OF ADAMS AMENDING THE ADAMS TOWNSHIP ZONING MAP TO CHANGE LISTED PORTIONS OF PROPERTY FROM "A" (AGRICULTURAL) TO "A/R-1" RESIDENTIAL (LOW DENSITY) AND ADDING REQUIREMENTS FOR OUTDOOR FURNACES.

WHEREAS, the Township of Adams has established comprehensive zoning throughout the Township; and

WHEREAS, the Adams Township Planning Commission has identified ten properties located in the Salix area of the township which have an exclusively residential use, but are currently zoned A-Agriculture use; and

WHEREAS, the properties concerned are identified as Cambria County Tax Map Numbers:

01-010.-162.006	01-010.-162.007	01-010.-162.003 & 162.000
01-010.-162.001	01-010.-162.004	01-011.-110.005 & 110.001
01-011.-110.003	01-011.-110.000	01-011.-110.004

WHEREAS, both the County and Township Planning Commissions have reviewed the recommendation and found it consistent with the underlying purposes and goals of the Township's Planning Ordinances and statement of Community Objectives, in that the land is located between Agricultural and Low Density Residential properties in the vicinity of the Village of Salix; and

WHEREAS, the Adams Township Planning Commission has also recommended the establishment of regulations respecting the placement and use of Outdoor Furnaces.

NOW, THEREFORE, BE IT RESOLVED this 10th day of February, 2025 that following a Special Public Meeting before the Planning Commission held February 5, 2025, the recommendation of the Adams Township Planning Commission, comment by the Cambria County Planning Commission, and Public Hearing before the Adams Township Supervisors, the following changes are made to the Adams Township Zoning District Map and Ordinance:

SECTION 1. Map Change A to A/R-1

The properties currently zoned "A" Agricultural designated as Tax Map Numbers: 01-010.-162.006, 01-010.-162.007, 01-010.-162.003, 01-010.-162.000, 01-010.-162.001, 01-010.-162.004, 01-011.-110.005, 01-011.-110.001, 01-011.-110.003, and 01-011.-110.004 shall hereinafter be zoned "A/R1" Residential, Low Density.

SECTION 2. Definitions

The following language is to be added to the Adams Township Zoning Ordinance under Section 202, Definitions:

BUILDING HEATING SYSTEMS: Shall include, but not be limited to, an "Outdoor Furnace".

CHEMOTHERAPEUTIC WASTE: "Chemotherapeutic waste" is all waste generated by or resulting from the production or use of antineoplastic agents used for the purpose of stopping or reversing the growth of malignant cells. Chemotherapeutic waste shall not include any waste containing antineoplastic agents that are listed as hazardous waste under 25 Pa. Code 75.261 (relating to criteria, identification and listing of hazardous waste).

HOST MUNICIPALITY AGREEMENT: The applicant shall, as part of its application, propose an agreement providing benefits to the public from their facility. Such proposal shall designate the nature of the benefits proposed and their duration.

HAZARDOUS WASTE: "Hazardous Waste" herein means the same as "hazardous waste" under the federal regulations promulgated by the United States Environmental Protection Agency and codified at 40 C.F.R., Sec. 261.3. 40 C.F.R., Sec. 261.3 is incorporated herein by reference. All lists in 40 C.R.F. Part 261, Subpart D, and the Appendices to Part 261 are also expressly incorporated by reference. The term "hazardous waste" as used herein also includes any substance or mixture containing polychlorinated biphenyls ("PCBs") at greater than one tenth of one percent concentration when such substance or mixture is not intended for beneficial use or reuse. Radioactive waste and by-products, as defined by the Code of Pennsylvania 1975, are expressly excluded from this definition.

INFECTIOUS WASTE: "Infection Waste" is waste that contained or may contain any disease producing microorganism or material. Infection wastes include but are not limited to the following:

- a) Those wastes that are generated by hospitalized patients who are isolated in separate rooms in order to protect others from their severe and communicable disease.
- b) All cultures and stocks of etiologic agents.
- c) All waste blood and blood products.
- d) Tissues, organs, body parts, blood and body fluids that are removed during surgery and autopsy, and other wastes generated by surgery or autopsy of septic cases or patients with infectious diseases.
- e) Wastes that were in contact with pathogens in any type of laboratory work, including collection containers, culture dishes, slides, plates, and assemblies for diagnostic tests; and devices used to transfer, inoculate, and mix cultures.
- f) Sharps, including hypodermic needles, suture needles, disposable razors, syringes, pasteur pipettes, broken glass, and scalpel blades.

- g) Wastes that were in contact with the blood of patients undergoing hemodialysis at hospitals or independent treatment centers.
- h) Animal carcasses, body parts, tissues, organs, blood, body fluids and/or remains, including animal manure.
- i) Carcasses and body parts of all animals which were exposed to zoonotic pathogens.
- j) Animal bedding and other wastes that were in contact with diseased or laboratory research animals or their excretions, secretions, carcasses, or body parts.
- k) Waste biologicals (e.g., vaccines) produced by pharmaceutical companies for human or veterinary use.
- l) Food and other products that are discarded because of contamination with etiologic agents.
- m) Discarded equipment and equipment parts that are contaminated with etiologic agents and are to be discarded.

OUTDOOR FURNACE: is defined as "any equipment, device, apparatus or structure or any part thereof which is installed, affixed or situated outdoors for the purpose of combustion of any type of fuel to produce heat or energy used as a component of a heating system providing heat for an interior space or water source." This term also includes any Outdoor Furnace located in any enclosure or accessory structure, other than inside the primary occupied dwelling unit on the subject property.

PERSON: Any natural person, corporate entity, business entity, firm, or association of persons or entities.

STACK HEIGHT or CHIMNEY HEIGHT: is defined as "the distance from the natural ground level upon which the furnace is located to the top of the stack (flue pipe) or chimney."

WASTE: "Waste" means the same as "Solid Waste" under federal regulations promulgated by the United States Environmental protection Agency and codified at 40 C.F.R., Sec. 261.2 40, Waste regulations contained at 40 C.F.R. Sec. 261.2 are incorporated by reference herein.

SECTION 3. Outdoor Furnaces

The following language is added as Section 414 of the Adams Township Zoning Ordinance related to the installation and use of Outdoor Furnaces:

1) Regulations

- a) Outdoor Furnaces and associated installation shall be subject to inspection by the Municipal Codes Enforcement Officer at any reasonable time to assure compliance with the terms hereof.

- b) Outdoor Furnace installation is subject to the permit provisions of the other Township ordinances, including, but not limited to Building Code Ordinances including furnishing the following information:
- i) A drawing providing and identifying all of the information necessary to assure compliance herewith, including property lines, location of neighboring properties and structures, height of nearby buildings, etc. From and after the effective date of this Ordinance, no person, corporation, entity or property owner shall be permitted to install an Outdoor Furnace within the Township of Adams, Cambria County, Pennsylvania, without receiving written approval for same from the Board of Supervisors of the Township and Cambria County Conservation District, if necessary. Any person, corporation, entity or property owner seeking approval for the installation of an Outdoor Furnace shall submit an Application for Approval to the Township and shall include a scaled drawing of a map of the property upon which the Outdoor Furnace is to be located or placed, depicting the actual and/or potential locations of any existing and/or proposed improvements (i.e. houses, barns and/or accessory structures) within Five Hundred Feet (500') of the proposed site, even if such improvements are off the property. Said drawing shall be to scale and shall set forth all measurements and depict whether the proposed location complies with all Ordinance requirements.
 - c) Manufacturer's specifications for the Outdoor Furnace. This provision shall only be applicable to an Outdoor Furnace(s) that is and/or includes a pressurized vessel.
 - d) Compliance with all applicable State and Federal statutes including the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This provision shall only be applicable to an Outdoor Furnace(s) that is and/or includes a pressurized vessel.
 - e) The Outdoor Furnace shall be located with due consideration to the prevailing wind direction and nearby structures. The municipal code enforcement ordinance officer must pre-approve the location and/or placement of the Outdoor Furnace.
 - f) Outdoor Furnaces shall not be placed less than twenty (20') feet from the nearest point of intersection of the property line of another property owner.
 - g) An area of twenty (20') feet around the Outdoor Furnace structure shall be free of vegetation, except grass not exceeding four (4") inches in height.
 - h) No other fuel other than natural wood without additive, wood pellets without additive and agricultural seeds in their natural state, coal, oil, gas and all other fuels manufactured for Outdoor Furnaces, in accordance with generally accepted standards in the Outdoor Furnace industry, may be burned. Processed wood products and other non-wood products, recyclable materials, plastics, rubber, paper products, garbage and painted or treated wood are prohibited. Outdoor Furnaces shall not be permitted to burn any Waste, Hazardous Waste, Infectious Waste, and/or Chemotherapeutic Waste.
 - i) Furnaces are prohibited to burn between June 1st and September 1st, if the nearest point of another structure owned by a person not served by the furnace is located within 400 feet of the heating system.

- j) Spark arrester must be installed if a structure is less than 100 feet from the furnace.
- k) Chimney and/or Stack requirements:
 - i) If the Outdoor Furnace is located 50 feet or less from any structure not served by the furnace, the stack must be at least two (2) feet higher than the highest eave line of that structure.
 - ii) If the Outdoor Furnace is located more than 50 feet but no more than 100 feet from any structure not served by the furnace, the stack must be at least 75% of the height of the highest eave line of that structure, plus an additional five (5) feet.
 - iii) If the Outdoor Furnace is located more than 100 feet but no more than 150 feet from any structure not served by the furnace, the stack must be at least 50 % of the height of the highest eave line of that structure plus an additional five (5) feet.
 - iv) If the Outdoor Furnace is located more than 150 feet but no more than 200 feet from any structure not served by the furnace, the stack must be 25% of the height of the highest eave line of that structure, plus an additional five (5) feet.

2) Nuisances Prohibited

Nothing contained herein shall authorize any installation that is a public or private nuisance, regardless of compliance herewith. No Outdoor Furnace shall be operated in a manner which constitutes a public or private nuisance.

3) Permit Required

No Outdoor Furnace shall be installed, constructed, operated or maintained within Adams Township without a permit for the same. Application for permit shall be made on forms provided by the Township. A separate application shall be filed for each Outdoor Furnace.

4) Permit Fee

A permit fee of TWENTY-FIVE AND 00/100 DOLLARS (\$25.00) for each proposed Outdoor Furnace shall be paid at the time the application is submitted. Fees shall not be returned where an application has been denied. The Township Supervisors may modify this fee by resolution from time to time in keeping with the Township's experience with the cost of administering the provisions of this Ordinance.

5) Permit Duration

A permit issued shall be valid for a period of the life of the Outdoor Furnace unit.

Section 4. Comprehensive Amendment

This Ordinance is being effected in a comprehensive amendment to the Adams Township Zoning Ordinance, as attached hereto and incorporated by reference. A new Zoning Map reflecting changes called out in Sections 1 and 2 of this Ordinance shall be completed following adoption of this Ordinance.

Section 5. Repealer


All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed.

Section 6. Severability

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of this Ordinance. It is hereby declared as the intent of the municipality that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

ADOPTED finally on the 10th day of February, 2025, effective in five (5) days.


ADAMS TOWNSHIP BOARD OF SUPERVISORS

By:  _____
Dennis Gdula, Chairman

By:  _____
Dennis Richards, Supervisor

By:  _____
J. Brian Schrader, Supervisor

By:  _____
Daniel Senft, Supervisor

By:  _____
Mark Bucci, Supervisor

ATTEST:



Jennifer Zakraysek, Secretary
(Seal)