

EXTERNAL FUEL BURNING DEVICES

BE IT ORDAINED AND ENACTED BY THE BOROUGH of BELLEFONTE, under its authority to create laws regulating the health, safety, and general welfare of its citizens, it is hereby enacted by the authority of the same that the Borough authorizes the following:

Section 1. Definition. An outdoor fuel burning appliance is a device constructed to burn oil, wood, coal or other fuels manufactured for placement outdoors for the heating of the living, work and/or recreation areas of a structure.

Section 2. Prohibition. All future outdoor fuel burning appliances are hereby prohibited within the Borough.

Section 3. Penalties. Any person, firm or corporation who shall violate any provision of this Ordinance, shall, upon conviction thereof, be sentenced to pay a fine of not more than THREE HUNDRED (\$300.00) DOLLARS and in default of payment of said fine, to imprisonment for a term not to exceed NINETY (90) days. Every day that a violation of this Ordinance continues, shall constitute a separate offense.

Section 4. Severability. If any sentence, clause, section or part of this Ordinance is for any reason be 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 the Ordinance. It is hereby declared as the intent of the Borough that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 5. Grandfather Clause. This Ordinance shall not be construed to be retroactive and shall not require the removal of any outdoor fuel burning appliance in existence within the

Borough at the effective date of this Ordinance. All outdoor fuel burning appliances in existence at the effective date of this ordinance shall have or must erect a flue or chimney which has a minimum termination height of twenty (20) feet above the natural ground level upon which the appliance is located. If an outdoor fuel burning appliance is more than fifty (50) percent torn down, physically deteriorated or decayed, any rebuilding or restoration of said outdoor fuel burning appliance shall be a violation of this Ordinance.