

ORDINANCE 2009-10

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA AMENDING ORDINANCE 2009-04 TO PERMIT ONLY PHASE II QUALIFIED DEVICES (WHITE TAG) COMPLIANT WITH THE U. S. ENVIRONMENTAL PROTECTION AGENCY VOLUNTARY PROGRAM IN LOWER ALLEN TOWNSHIP.

BE IT ENACTED AND ORDAINED by the Board of Commissioners ("Board") of Lower Allen Township ("Township"), Cumberland County, Pennsylvania, by virtue of the power and authority vested in said Board of Commissioners as follows:

SECTION I.

Ordinance No. 2009-04 shall be amended by deleting Section V Regulations, Subsections V. 3. and V. 4. in their entirety and adding new Subsections V. 3 and V. 4 as follows:

V. 3. The outdoor hydronic heater shall have been tested, listed and tagged as being compliant with the U.S. Environmental Protection Agency (EPA) voluntary program to reduce outdoor hydronic heater emissions as a Phase II qualified device (white tag). Phase II qualified devices (white tag) shall not exceed the EPA limit of 0.32 pounds of fine particulate emissions per million BTU heat output.

V. 4. The outdoor hydronic heater shall be located at least one hundred (100) feet from a property line or one hundred twenty (120) feet from the nearest occupied building, whichever is more stringent.

SECTION II.

The provisions of this Ordinance, as far as they are the same as those of ordinances in force immediately prior to the enactment of this Ordinance, are intended as a continuation of such ordinances and not as new enactments. The provisions of this Ordinance shall not affect any such suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any ordinance repealed by this Ordinance.

SECTION III.

The provisions of this Ordinance are severable, and if any of its provisions shall be held to be unconstitutional, illegal, or invalid, such decision shall not affect the validity of any of the remaining provisions of this Ordinance. It is hereby declared as a legislative intent that this Ordinance would have been adopted had such unconstitutional, illegal or invalid provision not been included herein.


SECTION IV.

This ordinance shall become effective immediately.

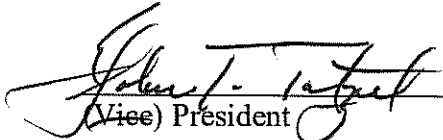
ENACTED AND ORDAINED into an Ordinance this 29th day of June, 2009.

ATTEST:
(Corporate Seal)

BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP



(Assistant) Secretary



(Vice) President