

## **ORDINANCE NO. 08170901**

### **AN ORDINANCE TO REGULATE THE INSTALLATION AND USE OF OUTDOOR FURNACES DESIGNED FOR STRUCTURE HEAT**

Laketon Township hereby Ordains:

#### Section 1. Purpose:

It is the purpose of this ordinance to establish and impose restriction upon the construction and operation of outdoor furnaces within the limits of Laketon Township for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of Laketon Township and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces creates noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that can be detrimental to citizens health, and can deprive neighboring residents of the enjoyment of their property.

#### Section 2. Definition:

The term “outdoor furnace” shall mean, but is not limited to, any device, appliance, equipment, apparatus or structure that:

1. Is designed, intended and/or used to provide heat and/or hot water to any associated structure.
2. Operates by burning wood or any other solid fuel including but not limited to coal, paper pellets, and agricultural products.
3. Is not located within the structure to be heated.
4. Includes, but is not limited to, devices referred to as outdoor furnaces, outdoor boilers and outdoor stoves.

#### Section 3. Regulations:

- A. No person shall install, use or maintain an outdoor furnace unless a permit is obtained from the Laketon Township Building Inspector, Mechanical Inspector and Electrical Inspector. A permit application shall include a drawing providing and identifying all of the information necessary to assure compliance herewith and a copy of the manufacturer’s instructions and specifications and the approval of an approved testing agency.
- B. Outdoor furnaces shall only be permitted in areas zoned R1 and R2 as shown on the Laketon Township Zoning Map.
- C. Outdoor furnaces shall not be placed less than 100 feet from any property line.
- D. Outdoor furnaces shall be placed in such a manner as to maintain a setback from any other structure of at least ten (10) feet or as per manufacturer’s specifications or installation instructions, whichever is greater.

- E. Outdoor furnaces shall not be located in any required front yard.
- F. All outdoor furnaces shall be equipped with properly functioning spark arrestors. Stacks must be constructed to withstand high winds or other related elements and be a minimum of eight (8) feet in height.
  - 1. If located less than 150 feet from any residence not served by the furnace, the stack must be at least 50% of the eave line of that residence plus an additional five (5) feet.
  - 2. If located more than 150 feet from any residence not served by the furnace, the stack must be at least 25% of the eave line of that residence plus an additional five (5) feet.
- G. A six (6) inch thick reinforced cement pad shall be constructed in such a dimension as to allow a minimum of two (2) inches of exposed surface area around the perimeter of the furnace structure.
- H. No fuel other than natural wood without additives, wood pellets without additives, and agricultural products or seeds in their natural state may be burned in an outdoor furnace or as allowed by the testing agency.
- I. No fuel or any other combustible material shall be permitted to be stored under the eaves of the structure the outdoor furnace is located in.
- J. No outdoor furnace shall be utilized in any manner as a waste incinerator.
- K. Outdoor furnaces shall be constructed and installed in strict accordance with the manufacturer's instructions and specifications. They shall comply with all applicable State and Federal statutes and regulations and shall be approved by a nationally recognized testing agency such as Underwriters Laboratories.

Any resident who has secured a permit to install an outdoor furnace in Laketon Township in doing so agrees to allow the building inspector, fire official or any other person designated by Laketon Township to inspect the outdoor furnace if a complaint is filed relative to a violation of this ordinance.

#### Section 4. Existing Outdoor Furnaces:

Use of outdoor furnaces existing on the effective date of this ordinance may continue on the condition that within twelve (12) months of such date the owner obtain a permit for continued use and bring the outdoor furnace into compliance with the requirements hereof as near as is practically possible. Permit fees will be waived for existing outdoor furnaces for the first twelve (12) months after passage of this ordinance. Permit fees will be re-instated in full for any and all permits applied for after the first twelve months have passed.

#### Section 5. Enforcement:

Before commencing prosecution under this ordinance, the enforcement officer shall give notice to the person charged with violating this ordinance. Such notice shall be in writing, and shall be served upon said person or, at the option of the enforcement officer, by posting a copy of this notice on the land or attaching a copy of the notice to the building or structure. In addition, a copy of the notice shall be sent by first class mail to the owner of the land, building, or structure at the owner's last known address. The

notice shall specify that failure to remedy the violation within ten (10) days of the date of personal service or twelve (12) days from the date of mailing shall result in the issuance of a citation.

Nothing contained herein shall authorize any installation or use that is a public or private nuisance, regardless of compliance herewith. This ordinance shall not be a defense to any civil claims.

Section 6. Penalty:

Failure to comply with the requirements of this ordinance shall constitute a municipal civil infraction. Each day's continued violation shall constitute a separate and distinct offense.

Section 7. Severability:

The sections and provisions of this ordinance are declared to be severable and any portion which is declared inoperative or invalid for any reason by a court of competent jurisdiction shall in no way affect the remaining sections or provisions of this ordinance.

Section 8. Effective Date:

This ordinance shall become effective immediately upon adoption by Laketon Township.

Adopted: Sept. 17, 2008

Effective: Sept. 18, 2008

Published: Sept. 29, 2008