

ORDINANCE NO. U-07

AN ORDINANCE TO AMEND THE ZONING CODE OF THE CITY OF ORRVILLE, WAYNE COUNTY, STATE OF OHIO, BY ADDING A NEW CHAPTER TO BE ENTITLED *OUTDOOR WOOD FURNACES*.

BE IT ORDAINED by the Council of the City of Orrville:

Section 1: The Codified Ordinances of the City are hereby amended by adding thereto a new chapter to be Chapter 1133 Outdoor Wood Furnaces, to read as follows:

OUTDOOR WOOD FURNACES (Referred to as OUTDOOR WOOD BOILERS or OUTDOOR WOOD—FIRED HYDRONIC HEATERS)

1133.01	Definitions
1133.02	Regulations for Outdoor Wood Furnaces
1133.03	Substantive Requirements
1133.04	Appeals/Variances
1133.05	Violations and Penalties
1133.06	Civil Proceedings
1133.07	Severability

1133.01 DEFINITIONS

- A. **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.

- B. **Chimney:** Flue or flues that carries off exhaust from an Outdoor Wood Furnace firebox or burn chamber.

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

- D. **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 hangtag

- E. **EXISTING OUTDOOR WOOD FURNACE:** An Outdoor Wood Furnace that was purchased and installed prior to the effective date of this local law.

- F. **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.
- G. **NEW OUTDOOR WOOD FURNACE**: An Outdoor Wood Furnace that is first installed, established or constructed after the effective date of this local law.

1133.02 REGULATIONS FOR OUTDOOR WOOD FURNACES

- A. No person shall, from the effective date of this local law, construct, install, establish, operate or maintain an Outdoor Wood Furnace other than in compliance with the applicable sections of Chapter 1133 of the Orrville Zoning Code.
- B. No person shall, from the effective date of this local law, operate an Outdoor Wood Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of Chapter 1133 of the Orrville Zoning Code regarding fuels that may be burned in an Outdoor Wood Furnace as set forth in Sections 3(A) and 3(B) of this ordinance and chimney height as set forth in Section 3(D) and 3(F) of this ordinance.
- C. All new Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- D. The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Safety-Service Director to review at any time if requested.
- E. 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.
- F. If an existing Outdoor Wood Furnace is, through the course of a proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, the following steps may be taken by the owner and the Safety-Service Director.
 - (1) Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both.
 - (2) Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

1133.03 SUBSTANTIVE REQUIREMENTS

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

- A. 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.
- B. 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) Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - (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.
- C. Setbacks for any new Outdoor Wood Furnace (models not EPA OWHH Phase 1 Program Qualified) shall be as follows:
 - (1) The Outdoor Wood Furnace shall be located at least 25 feet from the property line.
 - (2) The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
 - (3) The Outdoor Wood Furnace shall be located at least 100 feet from any residence that is not served by the Outdoor Wood Furnace.
- D. Chimney heights for new and existing Outdoor Wood Furnaces shall be as follows:
 - (1) The chimney of any new Outdoor Wood Furnace shall extend at least 2 feet above the peak of any residence 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 a residence 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 this regulation within 30 days of the date such construction is complete

and upon written notice from the Safety-Service Director.

- E. Setbacks for EPA OWHH Phase 1 Program qualified models shall be as follows:
 - (1) The Outdoor Wood Furnace shall be located at least 25 feet from the property line.
 - (2) The Outdoor Wood Furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.
- F. Chimney heights for EPA OWHH Phase 1 Program qualified models shall be as follows:
 - (1) The EPA OWHH Phase 1 Program qualified model chimney shall extend at least 2 feet above the peak of the residence for which it serves if neighboring residences not served by the furnace are located within 300 feet or the chimney shall extend at least 2 feet above the peak of any residence not served by the furnace within 100 feet, whichever is greater.
- G. Outdoor Furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and stack height requirements as EPA OWHH Phase 1 Program Qualified models.

1133.04 APPEALS

Appeals from any actions, decisions, or rulings in the enforcement of this chapter or for a variance from the strict application of the specific requirements of this ordinance may be made to the Board of Zoning Appeals. Requests for all appeals shall be made in writing in accordance with Chapter 1119.

1133.05 VIOLATIONS AND PENALTIES

Any person who shall violate this provision of this ordinance shall be guilty of a violation as defined in Chapter 1117.

1133.06 CIVIL PROCEEDINGS

Compliance with this law may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of this law may also be subject to a civil penalty of not more than \$200, to be recovered by the City in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the City is required to take legal action to enforce this local law, the violator may be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

1133.07 SEVERABILITY

The provisions of this local law are severable and the invalidity of a particular provision shall not invalidate any other provisions.”

Section 2: All legislation inconsistent herewith is hereby repealed.

Section 3: That this Ordinance shall be in full force and effect from and after the earliest period allowed by law.

Passed this _____ day of _____ 2007.

President of Council

Attest:

Clerk of Council

Approved:

Mayor

Date _____