

CHAPTER 97: OUTDOOR WOOD-FIRED BOILERS

Section

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§ 97.01 FINDINGS AND PURPOSE.

(A) *Findings.* The use of outdoor wood-fired boilers is declared to be a nuisance due to the large volumes of smoke produced and released low to the ground which will add to the pollutant levels in the air and can cause or contribute to short-term health problems such as eye, nose, throat and lung irritations, coughing and shortness of breath, and may exacerbate asthma and other lung-related illnesses; and the general population density within the city limits means that the negative aspects of low-to-ground wood smoke is more likely to occur causing the health problems listed above and greatly diminish the use and enjoyment of neighboring property.

(B) *Purpose.* To ensure against the findings of division (A) above, the Common Council of the City of Rushville has determined that it is necessary to establish this chapter banning outdoor wood-fired boilers within the City of Rushville.

(Ord. 2007-9, passed 5-15-2007)

§ 97.02 DEFINITION.

For purposes of this chapter, the following definition shall apply unless the context clearly indicates or requires a different meaning:

OUTDOOR WOOD-FIRED BOILER. A fuel-burning device designed:

(1) To burn primarily wood by hand-firing;

(2) Not to be located inside structures ordinarily occupied by humans; and

(3) To heat spaces or water by the distribution through pipes of a fluid heated in the device. Such fluid is typically water or a mixture of water and anti-freeze. Examples of common uses include, but are not limited to, residential or commercial space heating, heating of domestic hot water, or heating of water for swimming pools, hot tubs or whirlpool baths.

(Ord. 2007-9, passed 5-15-2007)

§ 97.03 PROHIBITION.

It shall be a violation of the Municipal Code to have installed, install, use or permit the use of an outdoor wood-fired boiler after the effective date of this chapter.

(Ord. 2007-9, passed 5-15-2007)

§ 97.04 EXEMPTIONS.

Outdoor wood-fired boilers installed or operating prior to the effective date of this chapter shall be exempted from this prohibition so long as the following criteria are met:

- (A) Documentation is available to verify the date of installation;
- (B) The outdoor wood-fired boiler is intended to serve a single family dwelling; and
- (C) Complies with all applicable laws; and
- (D) Does not create a public nuisance, which is defined as follows: "A condition or activity which endangers the health, safety, or welfare of the public or of any individual; causes injury to property; or interferes with an individual's possession or ordinary use or enjoyment of his or her property"; and
- (E) Is installed in compliance with municipal building codes pertaining to the installation of any primary home heating source; and
- (F) Is installed and operated in compliance with manufacturer's specifications; and
- (G) Uses only dry seasoned wood. No other materials may be burned.

(Ord. 2007-9, passed 5-15-2007)

§ 97.99 PENALTY.

There is hereby imposed a fine of \$50 per violation of this chapter. Each day of use of a wood-fired boiler operated in violation of this chapter shall constitute a separate violation. In addition to the monetary fine, the city may enforce this chapter by obtaining an injunction or other court order directing the removal of the wood-fired boiler or ordering the owner or other person not to operate the device.

(Ord. 2007-9, passed 5-15-2007)