

**ORDINANCE NO. 40-2019**

**AN ORDINANCE ADDING SECTION 1431.01 TO THE  
CODIFIED ORDINANCES OF THE VILLAGE OF  
LOUDONVILLE.**

WHEREAS, the Council of the Village of Loudonville wishes to authorize and govern outdoor woodburning furnaces; and

WHEREAS, the Council of the Village of Loudonville wishes to create Section 1431.01 of the Codified Ordinances to regulate the installation and operation of said furnaces;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF LOUDONVILLE, STATE OF OHIO:

SECTION 1. That Section 1431.01 of the Codified Ordinances governing the installation and operation woodburning furnaces, as attached hereto as Exhibit A and incorporated herein by reference, is hereby approved and added in its entirety to the Codified Ordinances of the Village of Loudonville.

SECTION 2. That this Ordinance shall take effect on the earliest date allowed and remain in full force and effect thereafter.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Stephen Stricklen, Mayor

ATTEST:

\_\_\_\_\_  
Elaine Van Horn, Fiscal Officer

\_\_\_\_\_  
Thomas R. Gilman, Village Solicitor

1431.01 OUTDOOR WOOD FURNACES

(a) Definitions.

- (1) Outdoor Wood Furnace : Any equipment, device, application 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. Outdoor Wood Furnaces may also be referred to herein as Outdoor Wood Boilers or Outdoor Wood-fired Hydronic Heaters.
- (2) Chimney: Flue or flues that direct and vent exhaust from Outdoor Wood Furnace firebox or burn chamber.
- (3) EPA OWHH Phase 1 Program: EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase 1 Program administered by the United States Environmental Protection Agency.
- (4) 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.
- (5) Existing Outdoor Wood Furnace: An Outdoor Wood Furnace that was purchased and installed prior to the effective date of this local law.
- (6) 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.
- (7) New Outdoor Wood Furnace: An Outdoor Wood Furnace that is first installed, established or constructed after the effective date of this local law.

(b) Regulations for Outdoor Wood Furnaces.

- (1) No person shall, construct, install, establish, operate or maintain an Outdoor Wood Furnace without first obtaining a building permit pursuant to Chapter 1420 of the Codified Ordinances and complying with this Section at all times.
- (2) No person shall, operate an Outdoor Wood Furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements regarding fuels that may be burned in an Outdoor Wood Furnace as set forth in subsection (c)(1) and (c)(2) of this chapter and chimney height as set forth in subsection (c)(4) and (6) of this ordinance.
- (3) 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.

(4) The owner of any new Outdoor Wood Furnace shall produce the manufacturer's owner's manual or installation instructions to the Village Administrator or Fire Chief to review at any time if requested.

(5) All new Outdoor Wood Furnaces shall be laboratory tested to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

(6) 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 must be taken by the owner:

A. Cease and desist operating the unit until reasonable steps can be taken to ensure that the Outdoor Wood Furnace will not be a nuisance.

B. Modifications made to the unit to eliminate the nuisance such as extending the chimney, or relocating the Outdoor Wood Furnace or both, as may be approved by the Village Administrator or Fire Chief.

(c) Substantive Requirements. Outdoor Wood Furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

(1) Fuel burned in any new or existing Outdoor Wood Furnace shall be only natural untreated wood, and/or wood pellets.

(2) The following fuels are strictly prohibited in new or existing Outdoor Wood Furnaces:

A. 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.

B. Rubbish or garbage, including not limited to food wastes, food packaging or food wraps.

C. Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

D. Rubber, including tires or other synthetic rubber-like products.

E. Newspaper, cardboard, or any paper with ink or dye products.

F. Any other items not specifically allowed by the manufacturer or this provision.

(3) New Outdoor Wood Furnaces shall be located as follows:

A. At least two hundred (200) feet from any residence that is not served by the Outdoor Wood Furnace.

- B. At least twenty-five (25) feet from every property line.
- C. In compliance with the Outdoor Wood Furnace's manufacturer's recommendations and/or requirements for clearance to combustible materials.
- D. In a rear yard only. No Outdoor Wood Furnace shall be located in any side or front yard of a property.

(4) Chimney heights for new and existing Outdoor Wood Furnaces shall be as follows:

- A. The chimney of any new Outdoor Wood Furnace shall extend at least two (2) feet above the peak of any residence not served by the Outdoor Wood Furnace located within two hundred (200) feet of such Outdoor Wood Furnace.
- B. 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 two hundred (200) 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 Village Administrator or Fire Chief.

(d) 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.

(e) Violations and Penalties. Any person who shall violate this provision of this ordinance shall be guilty of a violation of the Zoning Code pursuant to Section 1242.99 of the Loudonville Codified Ordinances.

(f) 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 \$500.00, to be recovered by the Village in a civil action, and each ten (10) days' continued violation shall be for this purpose a separate and distinct violation. In the event the Village 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.

(g) Severability. The provisions of this ordinance are severable and the invalidity of a particular provision shall not invalidate any other provisions.

(Ord. 40-2019. Passed \_\_\_\_\_.)