

## REGULATION OF OUTDOOR SOLID FUEL FURNACES

**Section I. Title/Purpose.** This Ordinance is entitled “Regulation of Outdoor Solid Fuel Furnaces”. The purpose of this Ordinance is as follows:

To promote the safety, health and general welfare by regulating outdoor solid fuel furnaces.

**Section II. Definitions.** Outdoor solid fueled furnace: Any detached energy system, such as wood, corn or other solid fuel burners, boilers or furnaces, associated with the production of useable heat or energy, which is not located within another structure. Hereafter referred to as “Furnace”.

### **Section III. Installation and Use of Outdoor Solid Fuel Furnaces.**

A. A permit shall be obtained from the Town of Shelby prior to the installation of a furnace. No furnace shall be installed without a permit. Furnaces installed prior to the effective date of this Ordinance shall obtain a permit with sixty (60) days of adoption of this Ordinance. Furnaces installed prior to the adoption of this Ordinance shall be brought into compliance, at its owner’s expense, within one hundred twenty (120) days of the effective date of this Ordinance.

B. Furnaces shall be installed as specified by the manufacturer (electrical, plumbing, etc.) and according to all Shelby building codes, electrical codes, plumbing codes, and all other applicable Town of Shelby building codes. When a conflict exists between the manufacturer’s specifications and the Town of Shelby specification, the more stringent specifications shall apply.

C. The furnace shall be located at least two hundred (200) feet from the side and rear property lines. Furnace shall be located one hundred twenty-five (125) feet from the front property line. The front property line is the property line corresponding with the road right of way. Furnaces certified as meeting the U.S. Environmental Protection Agency’s standard for wood stoves shall be located at least one hundred fifty (150) feet from all property lines. The current EPA standard is 7.5 grams of particulate matter released per hour.

Furnaces installed and operating, as of the effective date of this Ordinance, which are not installed in compliance with the property line setback to meet the requirements, shall be moved on the parcel of land where the Furnace is located to a minimum distance of two

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hundred fifty (250) feet from any residential dwelling which is not owned by the owner of the parcel of land on which the Furnace is located.

D. Chimneys of Furnaces located less than 400 feet from any property line shall be a minimum of twenty feet (20') above the grade of the land on which the Furnace is located. Chimneys on Furnaces located 400 feet or further from all property lines shall be a minimum of fifteen feet (15') in height. All chimneys shall have a spark arrester securely attached to the chimneystack to prevent the passage of sparks or ashes to the outside atmosphere.

E. No Furnace, designed to be a freestanding unit, shall be placed in an enclosure, shed, garage, house or other dwelling to circumvent the intent of this Ordinance.

F. No Furnace shall be located in any area of the yard located between any dwelling and a public street or highway.

G. No fuel shall be burned in any Furnace other than the fuel recommended by the manufacturer.

Exception: Regardless of any manufacturer recommendation, the burning of trash, fuel oil, waste oil, plastics, gasoline, naphtha or other petroleum product, household garbage, material treated with petroleum products, particle board, railroad ties, telephone poles, pressure treated wood, leaves, paper products and cardboard, or green (non-dried) wood or any other material that may cause offensive or noxious odors, smoke, airborne ash or debris is prohibited.

H. Exceptions to this Ordinance that are in harmony with the general purposes and intent of this Ordinance may be granted by the Town Board for Furnaces that cannot be placed on a parcel of real estate in compliance with the provisions of this Ordinance. Permits shall be at the sole discretion of the Town Board and shall be reviewed as needed. When a special exception is granted, the Town Board may place additional conditions, restrictions and safeguards on said Furnace(s). These special exceptions may be withdrawn by the Town Board if the use or operation of the Furnace(s) adversely affects the health, safety, or welfare of any person or the use, value or enjoyment of any property.

Exception permits may be issued only to furnaces installed and in full use and operation prior to the effective date of this Ordinance.

Exception permits shall be applied for with the Shelby Building Inspector on forms provided by the Town.

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I. If any Furnace is determined by the Shelby Police, Fire Chief or Building Inspector to adversely affect the health, safety or welfare of any person or the use, value, or enjoyment of any property, the owner and/or operator of the Furnace shall be ordered to remove or make modifications to the furnace to help alleviate the problem.

J. Any Furnace in place, as of the date of this Ordinance, which becomes nonconforming due to a new residential being constructed, shall be removed or an exception shall be applied for as provided in this Ordinance

**Section IV. Right of Entry and Inspection.** The Building Inspector, Fire Chief, Town of Shelby Police Officer or any authorized officer, agent, employee or representative of the Town of Shelby may inspect any property for the purpose of ascertaining compliance with the provisions of this Ordinance.

**Section V. Severability.** The provisions of this Ordinance shall be deemed severable, and it is expressly declared that the Town Board would have passed the provisions of this Ordinance irrespective of whether one or more provisions may be declared invalid, or if any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.

**Section VI. Enforcement and Penalties.** Any person violating any provision of the Ordinance shall be subject to a forfeiture of One Hundred Fifty Dollars (\$150.00).

**Section VII. Effective Date.** This Ordinance shall take effect upon passage and publication. The provisions of this Ordinance shall prevail over any previous Ordinances of the Town of Shelby that are or may be in conflict therewith.

Date passed: March 22, 2010

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Lynnetta P. Kopp, Town Chair

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Randy Knapp, Town Supervisor

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John Zahn, Town Supervisor

ATTEST:

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Cathy Brott, Town Clerk