AN ORDINANCE REGULATING THE BURNING OF SOLID FUELS IN EXTERNAL OUTDOOR WOOD BURNING STOVES OR SOLID FUEL-FIRED HEATING DEVICES

WHEREAS, it is recognized and found that wood smoke is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of wood smoke; and,

WHEREAS, it is recognized that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions; and,

WHEREAS, it is recognized that outdoor wood burning furnaces or external solid fuel-fired heating devices are designed and intended to be a primary heat source, and therefore burn, and emit smoke on a continual basis; and,

WHEREAS, the population of the City of Rushford consists of a compact space with dense population, located in a valley from which smoke often has no source of escape; and,

WHEREAS, significant fire safety risks are involved with units that are not properly installed, or do not have proper safety equipment such as spark arrestors; or are installed in close proximity to other buildings; and,

WHEREAS, the City of Rushford recognizes the need to protect the public heath, safety, comfort and general welfare of the citizens; wishes to educate citizens affected by this ordinance and wishes to assist property owners and managers in maintaining compliance.

NOW, THEREFORE, BE IT RESOLVED

THE CITY OF RUSHFORD ORDAINS:

SECTION 1. DEFINITION OF TERMS

A. "External solid fuel-fired heating device" means a device designed for solid fuel combustion so that usable heat is derived for the interior of a building, and includes solid fuel-fired stoves, solid fuel-fired cooking stoves, combination fuel furnaces or boilers which burn solid fuel, and outdoor wood burning stoves or units. Solid fuel-fire heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.

B. "Stacks" or "chimney" means any vertical structure incorporated into a building, or upon an outdoor solid fuel-fired heating device, and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such a structure extending above a roof.

C. "Person" means an individual, partnership, corporation, company or other association.

SECTION 2. REQUIREMENTS

A. No outdoor wood-burning stoves or solid fuel-fired heating devices designed and intended, and/or used, for the purpose of heating the principal structure or another accessory structure on the premises are allowed to be installed within the City of Rushford.

SECTION 4. NON-CONFORMING USE

A. The lawful use of any existing wood-burning unit or solid fuel-fired heating device existing at the time of the effective date of this ordinance may be continued, although such use may not conform to the provision of this ordinance.

B. No pre-existing, non-conforming wood-burning unit or solid fuel-fired heating device shall hereafter be extended, enlarged, or expanded.

C. At such time as the useful life of a non-conforming wood-burning unit or solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.

SECTION 5. OFFICERS AND ENFORCEMENT

A. City Building Inspector, Zoning Administrator, Fire Chief, Police Chief and/or their designees, or designated officials shall enforce the provisions of this ordinance.

B. Any person violating the provisions of this ordinance shall be guilty of a misdemeanor.

SECTION 6. EFFECTIVE DATE
This ordinance shall take effect upon its passage and publication.

ADOPTED BY THE RUSHFORD CITY COUNCIL THIS 28th DAY OF January, 2008.

Les Ladewig
Mayor Les Ladewig

Attest:
Kathy Zacher
Kathy Zacher, City Clerk/Treas.