

ORDINANCE #210

AN ORDINANCE REGULATING THE USE OF FREE STANDING OUTDOOR FURNACES.

Section I DEFINITION

For purposes of this ordinance, the term “free-standing outdoor furnace” shall mean any device or structure that:

- (1) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure;
- (2) Operates by the burning of wood or other solid fuel;
- (3) Is not located within a residential structure.
- (4) Excluded from the definition of a free-standing outdoor furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

Section II PROHIBITION

- (1) It shall be unlawful to install, operate or maintain a free-standing outdoor furnace, and to cause or permit the installation or maintenance of a free-standing outdoor furnace, within the Village.
- (2) This prohibition shall not apply to an industrial manufacturer or processor, located within an industrial zone of the Village, which produces wood waste products in its manufacturing or processing operation.

Section III CONFLICTS

This ordinance shall not be construed as an exemption or exception to any other provision of these ordinances, including building code, property maintenance code, or any other code or ordinance. In the event of a conflict between the provisions of this ordinance and any other ordinance or other provision of law, the more restrictive provision shall apply.

Section IV EXISTING USES

This ordinance shall not apply to any free-standing outdoor furnace that was installed, connected and operating as of the effective date of this ordinance. However, this ordinance shall not be deemed as specific authorization for the use or maintenance of any preexisting free-standing outdoor furnace and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage or nuisance caused by the use of a free-standing outdoor furnace.

Section V **VIOLATIONS**

Any freestanding outdoor furnace installed or operated in violation of this section is hereby subject to a civil infraction.

Section VI **PENALTY**

Whoever violates any provision of this ordinance is responsible for a civil infraction, and shall be subject to the payment of a civil fine of not less than one hundred dollars (\$100), plus costs and other sanctions for each infraction. Each day that a violation exists or continues shall constitute a separate and additional violation.

Adopted the ____th day of ____ 2008.

Effective the ____th day of _____, 2008

Reviewed By:

Village Clerk, Marci Pochyla

Village Attorney, Stuart Saunders

Village President, Gordon Webb

Village Manager, Rosalee Terpening