

ORDINANCE 2007 - 10-B

ORDINANCE FOR REGULATION
OF OUTDOOR HYDRONIC HEATERS

Be it enacted by the County of LaPorte as follows:

The Code of the County of LaPorte is hereby adding thereto a new chapter, to be Chapter ____, Outdoor Hydronic Heaters to read as follows:

OUTDOOR HYDRONIC HEATERS (Referred to as: OUTDOOR WOOD BOILERS
OR OUTDOOR WOOD BURNING FURNACES)

1. Definitions
2. Regulations for Outdoor Hydronic Heaters
3. Placement and Use
4. Permit requirements
5. Grandfather provisions
6. Enforcement, violations and penalties
7. Civil Proceedings
8. Severability
9. Effective date

1. DEFINITIONS.

- A. Outdoor Hydronic Heaters: Any equipment, device, appliance 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. An Outdoor Hydronic Heater may also be referred to as an Outdoor Wood Boiler or Outdoor Hydronic Heater.
- B. Chimney: Any flue or flues that carries off exhaust from an Outdoor Hydronic Heater or burn chamber.
- C. Natural Wood: Seasoned dry 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.
- D. Existing Outdoor Hydronic Heaters: An existing Outdoor Hydronic Heater that has been purchased and installed and operating prior to the effective date of this Ordinance.
- E. ~~New Outdoor Hydronic Heaters: An Outdoor Hydronic Heater that will be purchased and installed and operating after the effective date of this Ordinance.~~

Revised copy B

B. No Outdoor Hydronic Heater may be operated between the period of May 15 through September 15 of each year.

C. All Outdoor Hydronic Heaters must meet the following requirements:

1. Must be located on the property in compliance with the manufacture's recommendations and/or testing and listing requirements for clearance to combustible materials.
2. Must be located 25 feet from the property line.
3. No Outdoor Hydronic Heater may be placed in front of any residence in which it serves.

4. PERMIT REQUIREMENTS.

A. Prior to placement and installation of any Outdoor Hydronic Heater, a permit must be obtained from the Office of the Building Commissioner. The cost of such permit shall be \$50.00. Failure to obtain any permit before installation will subject an individual to fines and penalties and an action as a nuisance as prescribed in Section Six.

B. At the time of the application, the applicant must provide the Building Commissioners a plot map showing all buildings and property lines and distances within 300 feet of the placement of such Outdoor Hydronic Heater. A copy of the manufacturer's specifications must be provided.

C. The installation of new Outdoor Hydronic Heaters in any subdivision, whether such subdivision is minor or major or undeveloped, is prohibited unless the Outdoor Hydronic Heater meets the emissions standards or is greater of Section 2-F of this Ordinance.

5. GRANDFATHER PROVISIONS.

A. All existing Outdoor Hydronic Heaters in operation at the time of the passage of this Ordinance are hereby grandfathered subject to the following provisions contained herein. If such existing Outdoor Hydronic Heater does not meet the emissions standards in Section 2-F and is located within 300 feet of a non-served residence, then the following requirements must be met:

1. A chimney shall extend 20 feet above the ground surface or at least 2 feet above the peak of any residence not served by the Outdoor Hydronic Heater located within 300 feet of such Outdoor Hydronic Heater which ever is the greater.
2. All chimney extensions or chimney add ons to Outdoor Hydronic Heaters must have a spark arrestor.

Revised copy B

5. Is installed and operated in compliance with the manufacturer's specifications.
6. Uses only dry seasoned wood or other materials as prescribed by the manufacturer. No other materials may be burned.

C. The following fine schedule is adopted:

1. Failure to Obtain Permit for New Unit \$250.00 plus cost of permit.
2. Failure to register existing unit \$150.00 plus cost of permit.
3. Failure to add chimney extension \$500.00
4. Operation not in compliance with ordinance \$750.00
5. Failure to pay fine within 30 days of issue of citation; a civil action under Section D.

D. Compliance with this ordinance 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 ordinance shall also be subject to a civil penalty of not more than \$2,500.00 per day, per violation as well as attorney fees if a civil action is necessary to enforce the compliance or to maintain an action regarding the payment of a nuisance because of non-compliance of this ordinance.

7. SEVERABILITY.

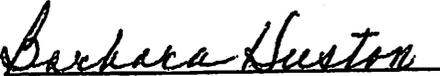
The provisions of this ordinance are severable and the invalidity of a particular provision shall not invalidate any other provisions.

8. EFFECTIVE DATE.

This ordinance shall be effective upon its passage and posting of law.

DATED this 7th day of August, 2007.

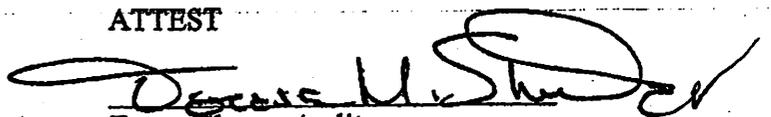
LAPORTE COUNTY BOARD OF COMMISSIONERS


Barbara Huston, President


Bill Hager, Vice President


Mike Bohacek, Member

ATTEST


Teresa Shuter, Auditor