

## **Sec. 18-72. Solid Fuel-Fired Outdoor Heating Devices.**

### **(a) Definitions**

(1) *Solid Fuel-fired Heating Device:* Any equipment, device 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 supply.

(2) *Stacks or Chimneys:* Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

### **(b) Permit Required**

A permit shall be required for new installations and additions and alterations to any type of heating, ventilating and air conditioning installation, and any type of ductwork. This shall include fireplaces, wood-burning stoves, and similar equipment.

### **(c) Regulations**

(1) All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and regulations and all other applicable local, state and federal standards.

(2) All solid-fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.

(3) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets the EPA emission criteria identified in 40CFR Part 60 Subpart AAA, Section 6.532(b)(2).

(4) All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Department of Commerce Boiler Division.

(5) All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:

(a) Fuel shall only be natural untreated wood, or other solid fuel specifically permitted by the manufacturer, such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.

(b) The following fuels are prohibited:

- 1) Processed wood products other than wood
- 2) Petroleum in any way
- 3) Rubber
- 4) Plastic
- 5) Garbage
- 6) Painted wood or treated wood
- 7) Any other items not specifically allowed by the manufacturer.

(c) All solid fuel-fired outdoor heating devices shall only be operated from September 1 through May 31.

**(d) A solid fuel-fired outdoor heating device may be installed in the Town of Buchanan in accordance with the following provisions:**

(1) A solid fuel-fired outdoor heating device that is EPA Phase 1 qualified shall be located at least two hundred one feet (201') from all exterior property lines. A solid fuel-fired outdoor heating device that is EPA Phase 2 qualified shall be located at least one hundred one feet (101') from all exterior property lines. All other solid fuel-fired outdoor heating devices shall be located at least three hundred one feet (301') from all exterior property lines.

(2) The solid fuel-fired outdoor heating device shall have a chimney that extends at least fifteen feet (15') above the ground surface. If there are any residences within five hundred feet (500'), the chimney shall also extend at least two feet (2') higher above the ground surface than the height of the roofs of all such residences. All chimneys greater than fifteen feet (15') in height above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with this increased chimney height and how the chimney shall be supported.

(3) The owner of the solid fuel-fired outdoor heating device shall obtain a HVAC permit from the Town of Buchanan before installing a solid fuel-fired outdoor heating device.

(4) All solid fuel-fired heating devices must be installed by contractors qualified to install the device in accordance with all codes and manufacturer's guidelines.

**(e) Nuisance**

Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood as determined by the building inspector and/or fire chief, then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance cannot be abated, then operation of the device shall be discontinued until a solution to the nuisance can be found.

**(f) Penalties**

Any person, firm, corporation, business or entity that fails to comply with any provision of this Section shall, upon conviction thereof, forfeit an amount set forth in Section 1-12 plus the cost of prosecution for each violation. In default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day of violation shall represent a separate violation of the ordinance as described herein.