

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.

2. REGULATIONS FOR OUTDOOR HYDRONIC HEATERS.

No person shall from the effective date of this ordinance, construct, install or operate an Outdoor Hydronic Heater unless the following conditions are met:

- A. An Outdoor Hydronic Heater may not be operated until such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this ordinance concerning fuels, set back requirements, chimney heights and/or emission standards.
- B. An Outdoor Hydronic Heater shall be installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this ordinance. In the event of a conflict, the requirements of this ordinance shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.
- C. The owner of any Outdoor Hydronic Heater shall produce the manufacturer's owner's manual or installation instructions to the Building Inspection Department of LaPorte County to review prior to installation.
- D. An Outdoor Hydronic Heater shall be laboratory tested and listed to appropriate safety standards such as US, CAN/CSA, ANSI or other applicable safety standards.
- E. New and existing Outdoor Hydronic Heaters must meet the Opacity (smoke density requirements) of not more than 20% based on the average of readings taken during six consecutive minutes, 24 observations in an hour. The observations must follow the procedures is USEPA test method 9 found in 40 CFR Part 60, Appendix A and as subsequently amended.
- F. New Outdoor Hydronic Heaters that meet the following emissions standards shall be placed without restrictions except for side and rear yard setbacks. Such Outdoor Hydronic Heater may not be placed in front of the dwelling of the residence it serves. The emissions standard must be certified to meet the particular emissions limit of 0.32#/mmbtu heat output in addition within each of the burn rate categories, no individual test shall exceed 15 grams per hour.

3. PLACEMENT AND USE REQUIREMENTS.

Outdoor Hydronic Heaters shall be installed, operated and maintained pursuant to the following conditions:

- A. Fuel burned in any new or existing Outdoor Hydronic Heater shall be only natural dry seasoned untreated wood, wood pellets, corn products or other listed fuels specifically permitted by the manufacturers' instructions such as fuel oil, natural gas or propane backup.

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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.

3. Existing Outdoor Hydronic Heaters must meet the chimney requirements within 90 days from the date of this Ordinance.
- B. All existing Outdoor Hydronic Heaters must be registered with the LaPorte County Health Department and/or the Building Inspector within 90 days after the adoption of this ordinance. Any Outdoor Hydronic Heater which is not registered accordingly will be considered as not grandfathered and will be subject to the fines and penalties of the provisions of this Ordinance as a nuisance.
- C. A permit fee will not be required for an existing Outdoor Hydronic Heater if registered within 90 days of the adoption of this Ordinance.
- D. If there is an existing Outdoor Hydronic Heater already installed and there is new construction of a residence not served by the Outdoor Hydronic Heater within 300 feet of such Outdoor Hydronic Heater then the owner of such Outdoor Hydronic Heater shall conform to the stack height requirements of Section 5-A-1 within 90 days after such home is complete or upon written notice from the Health Department if determined to be a public nuisance unless the emissions standards of 2-F are met.

6. ENFORCEMENT, VIOLATIONS, PENALTIES AND CIVIL PROCEEDINGS.

- A. If an Outdoor Hydronic Heater is through the course of a proper investigation by local authorities creating a verifiable nuisance as defined by Ordinance or State Law, the following steps may be taken by the owner and the Health Department of LaPorte County having jurisdiction.
 1. Modifications made to the unit to eliminate the nuisance such as extending the chimney or relocating the Outdoor Hydronic Heater or both.
 2. Issues a cease and desist order to the owner that such unit shall not be operated until reasonable steps can be taken to ensure that the Outdoor Hydronic Heater will not be a nuisance.
- B. LaPorte County Health Department and the Office of the Building Inspector will mutually have joint responsibility regarding the enforcement of any of the provisions of this Ordinance to include:
 1. Documentation is available to verify the date of installation.
 2. Complies will all applicable laws.
 3. Does not create a public health nuisance as defined by burning emissions requirements as adopted by this Ordinance.
 4. Is installed in compliance with any other LaPorte County Building Codes as the same may apply.

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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.

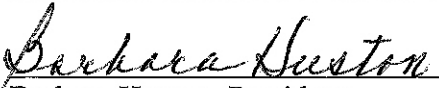
The provisions of this ordinance are severable and the invalidity of a particular provision shall not invalidate any other provisions.

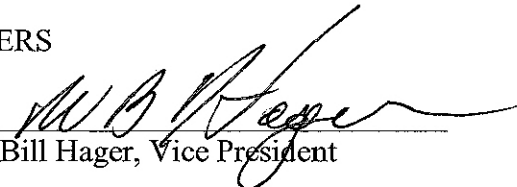
8. EFFECTIVE DATE.

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

DATED this 17th day of August, 2007.

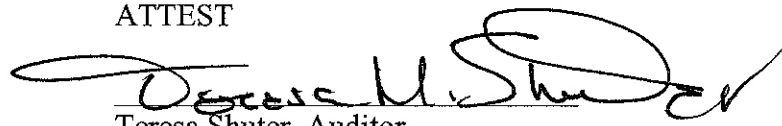
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