

Record of Ordinance

Ordinance No.: 2012-11

Passed: _____, 2012

**AN ORDINANCE PROHIBITING FREESTANDING OUTDOOR FURNACES AND
DECLARING AN EMERGENCY.**

WHEREAS, residential homes and commercial establishments situated within the Village of West Lafayette, Ohio are entitled to clean air and environmental circumstances free of unreasonable dust, obnoxious fumes and smells; as are other outside populated areas: and

WHEREAS, the Village of West Lafayette recognizes the various reasons for the use of the freestanding outdoor furnaces, but it also seeks to promote the public health, welfare, and safety of Village residents; and

WHEREAS, due to the proximity of residences within the Village, it is in the best interest of the Village residents to prohibit freestanding outdoor furnaces; and

NOW THEREFORE, BE IT ORDAINED by the Council of the Village of West Lafayette, Coshocton County, Ohio that:

Section 1: That Section 660.14 be added to the Code of Ordinances of the Village of West Lafayette, Ohio as follows:

“SECTION 660.14 FREESTANDING OUTDOOR FURNACES ARE PROHIBITED

A. Definitions:

“Freestanding Outdoor Furnaces” shall mean; but not be limited to, property or any part thereof as follows,

1. any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is primarily hand-loaded for the 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 indoor or outdoor water source; including but not limited to swimming pools and hot tubs; or is designated to burn wood, or other fuel including; but not limited to, coal, paper or agricultural products; and
2. the unit is not located within a building intended for habitation by humans or domestic animals; and is installed for the primary purpose of combustion of such fuel to produce heat, energy

and/or hot water to be used as a component of a heating system which provides heat for any interior space or indoor or outdoor

water source; including but not limited to, swimming pools and hot tubs.

- B. It shall be unlawful to install or operate a freestanding outdoor furnace or to cause or permit the installation or operation of a freestanding outdoor furnace, within the Village of West Lafayette, Ohio.
- C. This Ordinance shall in no way be construed, nor is the same intended, to prohibit the installation, operation, or use of exterior chimneys, stove pipes or similar apparatuses that are otherwise in conformity with other federal or state laws, rules or regulations constituting any part of any interior furnace system, interior stove system, interior fire place system or operation of any system that provides the exhaust of waste heat, smoke or similar substances from interior spaces.
- D. This Ordinance shall not apply to any freestanding outdoor furnace that was installed, connected and operating on or before the effective date of this Ordinance. However, this ordinance shall not be deemed as specific authorization for the use of any pre-existing, freestanding outdoor furnace and shall not 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 freestanding outdoor furnace.
- E. No existing freestanding outdoor furnace in existence on or before the effective date of this Ordinance shall be replaced or upgraded. It may be maintained in its proper, current, operating condition.
- F. Any person or corporation who shall violate any provision of the Ordinance shall be guilty of a misdemeanor of the 4th degree for each and every violation or non-compliance. Each day such violation shall be permitted to exist constitutes a separate and additional offense. In addition to, or lieu thereof, the Court may, require a person or corporation who violates Section 660.14 to remove the freestanding outdoor furnace from any public or private property within the Village of West Lafayette, Ohio.

Section 2: This ordinance is hereby declared an emergency measure necessary for the immediate preservation of the public peace, health, and safety of the citizens of West Lafayette, Ohio, because any delay in adopting this Ordinance might encourage the installation of freestanding outdoor furnaces prior to their prohibition ; and said ordinance shall, therefore take effect and be in force immediately upon its passage by this Council, and signing by the Mayor.

First Reading: _____ Date _____

Second Reading: _____ Date _____

Third Reading: _____ Date _____

PASSED IN COUNCIL THIS ____ day of _____ 2012

Jack L. Patterson, Mayor

ATTEST:

APPROVED AS TO FORM:

Lisa Stiteler, Fiscal Officer/Clerk

William M. Owens
Solicitor for the Village of West Lafayette, Ohio

CERTIFICATE OF POSTING

I hereby certify that the foregoing Ordinance was posted according to law this
_____ day of _____, 2012.

Fiscal Officer/Clerk