

**AN ORDINANCE AMENDING THE CODE OF THE TOWN OF SOUTH
BOSTON, VIRGINIA - CHAPTER 54 FIRE PREVENTION AND PROTECTION
ARTICLE IV. OUTDOOR WOOD-FIRED FURNACES**

SECTION I:

It is the intent of the South Boston Town Council to amend the Code of the Town of South Boston by adding a new section to the Fire Prevention Code to regulate outdoor wood fired furnaces;

SECTION II:

The purpose of the amendment is to regulate outdoor wood fired furnaces.

SECTION III:

For purposes of this ordinance any language in this ordinance which is shown with a line preceding through the middle of letters or punctuation marks or blank spaces, otherwise known as a strikeout and appearing similar to this "~~Town of South Boston~~" shall be considered as having been deleted from the Code by this ordinance.

SECTION IV:

For purposes of this ordinance any language in this ordinance that is shown in Italics and appearing similar to this "*Town of South Boston*" shall be considered as having been added to the Code by this ordinance.

SECTION V:

Chapter 54 is amended as follows:

Chapter 54. Fire Prevention and Protection; Article IV. Outdoor Wood-Fired Furnaces

Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of South Boston due to the air pollution from outdoor wood-fired furnaces.

Section 54-77. Definitions

Chimney: Flue or flues that carries off exhaust from an outdoor wood-fired furnace firebox or burn chamber.

Existing wood-fired furnace: Any wood-fired furnace which is fully installed and operable as of the date of the enactment of this ordinance.

Outdoor wood-fired furnace: Any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors and is hand-loaded or continuously fed (automatically fueled) 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 water source. An outdoor wood-fired furnace may also be referred to as an outdoor wood boiler, or hydronic heater.

New wood-fired furnace: Any wood-fired furnace which is not an existing wood-fired furnace.

Section 54-78. Permit required

Except as otherwise provided by Section 54-83, no person shall construct, establish, install, operate, or maintain the use an outdoor wood-fired furnace within the Town, nor shall any person cause or allow the construction, establishment, installation, operation or use of an outdoor wood-fired furnace on his property within the Town without first having obtained a permit from the Fire Chief. Application for permit shall be made to the Fire Chief on the forms provided. The issuance of a permit shall be conditioned upon compliance with the applicable provisions of this Article

54-79. Building permit required prior to installation.

All applicable building permits including, but not limited to, electrical and plumbing permits shall be obtained from the proper authority prior to the construction, establishment or installation of any new wood-fired furnace

Section 54-80 Regulations

(a) No person shall, from the effective date of ordinance, construct, install, establish, operate or maintain an outdoor wood-fired furnace other than in compliance with the applicable sections of this Article.

(b) Except as otherwise provided by Section 54-83, all outdoor wood-fired furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's installation instructions and/or owner's manual, the original or copies of which shall be provided to the Fire Chief, and the requirements of this Article. In the event of a conflict, the requirements of this Article shall apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

(c) Any person seeking a permit for ad) new outdoor wood-fired furnace shall be required to produce a site plan to the Fire Chief specifically indicating the proposed location of the new outdoor wood-fired furnace.

(d) All new outdoor wood-fired furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

(e) Notwithstanding compliance with the applicable provisions of this Article, if any new or existing outdoor wood-fired furnace creates a public nuisance the owner (as defined in Section 58-31) shall be subject to any and all remedies available to the Town by the Code of Virginia and Chapter 58 of this Code.

Section 54-81 Substantive Requirements

Outdoor wood-fired furnaces shall be operated and maintained pursuant to the following conditions:

(a) Fuel burned in any new or existing outdoor wood-fired furnace shall be only natural wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions which are not prohibited by subsection (b) hereof.

(b) The following fuels are strictly prohibited in new and existing outdoor wood-fired furnaces:

(1) Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

(2) Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps

(3) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(4) Rubber including tires or other synthetic rubber-like products.

(5) Newspaper, cardboard, or any paper with ink or dye products.

(6) Any other items not specifically allowed by the manufacturer or this provision.

Section 54-82 Setbacks and heights requirements for outdoor wood-fired furnaces

(a) All new outdoor wood-fired furnaces shall:

(1) Be located at least fifty (50') feet from the property line;

(2) Be located at least one-hundred feet (100') from any residence that is not served by the outdoor wood-fired furnace;

(3) Be located on the property in compliance with manufacturer's recommendations and or testing and listing requirements for clearance to combustible materials.

(b) Except as otherwise provided by Section 54-83, the chimney of all new and existing outdoor wood-fired furnaces must be at least two (2') feet higher than either the peak of the residence served by the outdoor wood-fired furnace or the tallest residence not served by the wood-fired furnace which is within one hundred feet (100') of such furnace, whichever is higher.

54-83. Existing outdoor wood-fired furnaces.

Any person owning, maintaining, or operating an existing wood-fired furnace shall have ninety (90) days from the enactment of this Ordinance to bring such existing wood-fired furnace into compliance with Sections 54-80(b) and 54-82(b) and to obtain the permit required by Section 54-78.

SECTION VI:

This Ordinance shall become effective at 12:01 AM on March 13, 2012.

SECTION VII:

If any language, part, or section of this Ordinance is legally declared invalid by a court of competent jurisdiction, then only that language, part, or section of this Ordinance shall be invalid and all other language, parts, and sections shall remain in full force and effect.