ORDINANCE NO. 7-2017

AN ORDINANCE TO AMEND CODIFIED ORDINANCE 1-97, *A COMPREHENSIVE ZONING CODE AND ZONING DISTRICT MAP FOR THE VILLAGE OF CUSTAR*, AND TO ENACT NEW ARTICLE X, SUBSECTION 5, *OUTDOOR WOOD FIRE BOILERS*, OF THE VILLAGE OF CUSTAR CODIFIED ORDINANCES.

WHEREAS, The elected officials of the Village of Custar, Ohio, are responsible for the health, safety and general welfare of the village; and

WHEREAS, the elected officials of the Village of Custar find that:

1) Outdoor wood fired boilers can cause damage to structures, persons, and overall air quality of the village.
2) That said damage would be harmful to the public health safety, and welfare of the village.
3) The use of outdoor wood fired boilers needs to be regulated by the village at the earliest possible time.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF CUSTAR, COUNTY OF WOOD AND STATE OF OHIO:

Section 1: Council, adopting the determinations recited above, hereby amends Ordinance 1-97, Article X of the Codified Ordinances of the Village of Custar to include Article X, Subsection 5.

Section 2: New Article X, Subsection 5, *Outdoor Wood Fired Boilers* of the Codified Ordinances of the Village of Custar is and shall be hereby enacted to read as follows:

OUTDOOR WOOD FIRED BOILERS

A. An outdoor wood fired boiler may be installed in the Village of Custar only in accordance with the following provisions:
    1. A fifteen-dollar ($15.00) permit is required before installation of any outdoor wood fired boiler. Said application can be obtained by applying to the Zoning Inspector.
    2. Installation of the outdoor wood fired boiler must comply with the licensed manufacturer's recommendations.
    3. The outdoor wood fired boiler shall not be used to burn any of the prohibited items listed in subsection 5(c).
    4. The outdoor wood fired boiler shall be located at a minimum of fifty (50) feet from the nearest residence on an adjacent parcel.
    5. The outdoor wood fired boiler shall be located at least fifty (50) feet from any property line that the outdoor wood fired boiler will serve or the manufacturer recommended distance from the property line, whichever is greater.
    6. All outdoor wood fired boilers installed shall meet the Environmental Protection Agency's Phase II Emission and Safety Standards.
        a. Documentation of this standard shall be provided by the manufacturer of the boiler unit.
        b. The applicant shall provide this documentation to the zoning inspector at the time of the permit application.

B. The outdoor wood fired boiler shall have a chimney that extends at least five (5) feet higher than the peak height of the structure located nearest to the outdoor wood fired boiler.

C. No person shall burn any of the following items in an outdoor wood fired boiler:

1. Any wood that does not meet the definition of clean wood.;
2. Garbage;
3. Tires;
4. Lawn clippings or yard waste;
5. Materials containing plastic;
6. Materials containing rubber;
7. Waste petroleum products;
8. Paints and paint thinners;
9. Hazardous Chemicals;
10. Coal;
11. Glossy or colored papers;
12. Construction or demolition debris;
13. Plywood;
14. Particle board;
15. Animal manure;
16. Animal carcasses;
17. Asphalt products;

D. Any person wishing to install an outdoor wood fired boiler in the Village of Custar, is required to provide the following information on a permit application:
   1. A detailed sketch showing the proposed location of the outdoor wood fired boiler in relation to all residential and accessory structures including any structures on adjacent properties that fall within the setback requirements outlined in subsection 5(A) and 5(B).
   2. The total height of the outdoor wood fired boiler's chimney stack.
   3. The height of any residential and accessory structures within five hundred (500) feet of the outdoor wood fired boiler.
   4. The manufacturer's certification that the outdoor wood fired boiler to be installed meets the Environmental Protection Agency's Phase II Emissions Standards.

Section 3: That all other ordinances inconsistent herewith, are hereby repealed.

Section 4: That the council hereby finds and determines that all formal actions relative to the passage of this Ordinance were taken in an open meeting of the Council and that all deliberations of the Council and its committees, if any, which resulted in formal action, were taken in meetings open to the public, in full compliance with acceptable legal requirements, including Section 121.22 of the Ohio Revised Code.

PASSED: 10-11-17

Renee Bremer Hartman
MAYOR

ATTEST: Sarah Shroeder
FISCAL OFFICER