

**Village of Mendon, County of Adams, IL**  
**Ordinance 480.2020**  
**Outdoor Wood Furnaces**

**Effective – September 11, 2020**

**Definitions**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**Chimney** means flue or flues that carry off exhaust from an outdoor wood furnace firebox or burn chamber.

**EPA OWHH Phase 1 Program** means the EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase 1 Program administered by the United States Environmental Protection Agency.

**EPA OWHH Phase 1 Program qualified model** means an outdoor wood-fired hydronic heater that has been EPA OWHH Phase 1 Program qualified. The model has met the EPA OWHH Phase 1 emission level and has the proper qualifying label and hangtag.

**Existing outdoor wood furnace** means an outdoor wood furnace that was installed prior to the initial effective date of the ordinance from which this article is derived. (All units properly installed as of the adoption date are grandfathered in.)

**Natural wood** means 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.

**New outdoor wood furnace** means an outdoor wood furnace that is first installed, established or constructed after the initial effective date of the ordinance from which this article is derived.

**Outdoor wood furnace** means 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 wood furnace may also be referred to as an outdoor wood boiler or outdoor wood-fired hydronic heater.

**Regulations for outdoor wood furnaces**

**(a) No person shall, from the effective date of the ordinance from which this article is derived, construct, install, establish, operate or maintain an outdoor wood furnace other than in compliance with the provisions of this article.**

**(b)** No person shall, from the effective date of the ordinance from which this article derives, operate an outdoor wood furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this article regarding fuels that may be burned in an outdoor wood stove and chimney height as set forth in this ordinance.

**(c)** All new outdoor wood furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this article. In the event of a conflict, the requirements of this article apply unless the manufacturer's instructions are stricter, in which case the manufacturer's instructions shall apply.

(d) The owner of any new outdoor wood furnace shall produce the manufacturer's owner's manual or installation instructions to the **village office for review prior to installation of the outdoor wood furnace.**

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

### **Substantive requirements**

Outdoor wood furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

#### **(1) Fuels.**

a. Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

b. **The following fuels are strictly prohibited for use and combustion in new or existing outdoor wood furnaces:**

- Wood that has been painted, varnished or coated with similar material and/or which has been pressure treated with preservatives or which contains resins or glues as, for example, in plywood or other composite wood products.
- Rubbish or garbage, including, but not limited to, food wastes, food packaging, food wraps.
- Any plastic materials including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- Rubber including tires or other synthetic rubber-like products.
- Newspaper, cardboard, or any paper with ink or dye products.
- Any other items not specifically allowed by the manufacturer or this provision.

#### **(2) Setbacks for any new outdoor wood furnace model not EPA OWHH Phase 1 Program qualified.**

a. The outdoor wood furnace shall be located at least **25 feet from the property line.**

b. The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing agency requirements for clearance to combustible materials.

c. **The outdoor wood furnace shall be located at least 100 feet from any residence that is not served by the outdoor wood furnace.**

#### **(3) Chimney heights for new and existing outdoor wood furnaces.**

a. **The chimney of any new outdoor wood furnace shall extend at least two feet above the peak of any residence not served by the outdoor wood furnace which is located within 300 feet of such outdoor wood furnace.**

b. **If a residence, not served by the outdoor wood furnace, is constructed within 300 feet of an outdoor wood furnace previously installed, then the owner of such outdoor wood furnace shall conform to the chimney height requirements of this article within 30 days of the date construction of the residence is complete and upon written notice from the building official.**

#### **(4) Setbacks for EPA OWHH Phase 1 Program qualified models.**

- a. The outdoor wood furnace shall be located **at least 25 feet from the property line.**
- b. The outdoor wood furnace shall be located on the property in compliance with manufacturer's recommendations and/or testing and listing agency requirements for clearance to combustible materials.

#### **(5) Chimney heights for EPA OWHH Phase 1 Program qualified models.**

- a. The chimney of any EPA OWHH Phase 1 Program qualified model shall extend to the higher of:
  - **At least two feet above the peak of the residence which it serves if neighboring residences not served by the furnace are located within 100 feet; or**
  - **The chimney shall extend at least two feet above the peak of any residence not served by the furnace which is located within 100 feet.**
- b. Outdoor furnaces that use only corn, wood pellets or other pelletized biomass shall meet the same setback and chimney height requirements as EPA OWHH Phase 1 Program qualified models.

#### **Appeals**

- Appeals from any action, decision, or ruling of the village or a request for a variance from the strict application of the specific requirements of this article shall be made to the village board of trustees. Requests for all appeals shall be made in writing to the village office **not later than 30 days of the act, decision, or ruling from which relief is sought.**
- (1) Appeals fees. Appeals **fees shall be established by village board.**
  - (2) Public hearing. A hearing shall be scheduled at a **regular village board meeting** to be held within 60 days following the written request for appeal, with the time to be fixed by the **village board, and notice of the time and place of the hearing shall be given to the appellant and to any resident located within 300 feet of the location of the wood burning furnace to which the appeal relates.** The appellant shall be required to notify all such persons, and shall exhibit proof to the village board, at the time of the hearing, that the notice has been given as required. Failure of the appellant to notify necessary parties shall be cause for the village board to dismiss the appeal. The notice shall be given in writing, and delivered either personally or by certified mail, return receipt acknowledged. Notice shall be given at least 15 days in advance of the hearing date as scheduled.
  - (3) Decision of village board. The village board shall issue its decision at the time of the hearing on the appeal, and such decision shall be deemed a final administrative ruling subject to review under the terms and provisions of the Illinois Administrative Review Act (735 ILCS 5/3-101 et seq.).
  - (4) Criteria for variances. In making its determination, the village board shall take into consideration the benefit to the applicant if the variance is granted, as weighted against the detriment to the neighborhood or community by such grant. In making such determination the village board shall consider:
    - a. Whether an undesirable change will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;
    - b. Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;

c. Whether the requested variance is substantial;

d. Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the village board, but shall not necessarily preclude the granting of the variance.

**Violations and penalties**

(a) If the village office or other officer or agent with proper authority determines that any outdoor wood furnace has been installed or is being operated in a manner which violates or does not conform to the requirements of this article, then the village official **shall order modifications to be made to the unit so that the unit conforms to the requirements of this article, or shall order that the owner cease and desist operating the outdoor wood furnace in the manner which does not comply with the requirements of this article.**

**Civil proceedings**

**Compliance with this article 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 law shall also be subject to a civil penalty of not more than \$750.00, to be recovered by the village in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation. In the event the village is required to take legal action to enforce this article, the violator shall be responsible for any and all necessary costs relative thereto, including attorneys' fees.**

**Any person, firm or corporation violating the provisions of this Ordinance and the allowance of a condition to exist, shall be punishable by a fine of not less than One Hundred and Fifty Dollars (\$150.00) and not more than Seven Hundred and Fifty (\$750.00) for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.**

**All ordinances and parts of ordinances in conflict with the provisions of this ordinance are, to the extent of such conflict hereby repealed.**

**This Ordinance shall be in effect as of the date of its passage and publication in pamphlet form**

**NOW, THEREFORE**, be it ordained by the Village Board of the Village of Mendon, Illinois the following:

**Section 1.** The Policies to this Ordinance are hereby adopted.

**Section 2.** This ordinance shall be in full force and effect on **September 11, 2020**

**PASSED THIS 10<sup>th</sup> Day of September, 2020**

AYES: 4

NAYS: 1

ABSTAIN: 1

**APPROVED THIS 10<sup>th</sup> Day of September 2020**

ATTEST:

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Village Clerk