

AN ORDINANCE PROHIBITING FREESTANDING OUTDOOR FURNACES

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 vest interest of the Village residents to prohibit freestanding outdoor furnaces; and

WHEREAS, Council of the Village of West Lafayette have declared updates are necessary to remove references to obsolete Codes of Ordinances within.

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

Section 1: FREESTANDING OUTDOOR FURNACES ARE PROHIBITED

- A. Definitions: "Freestanding Outdoor Furnaces" shall mean; but not 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,

Record of Ordinances

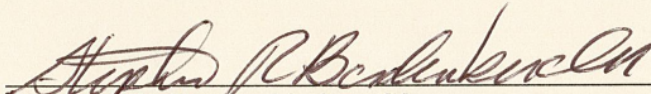
Ordinance No.: 2023-27

Passed: May 22, 2023

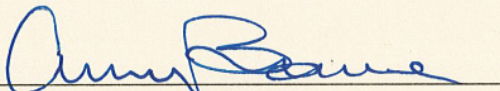
interior stove system, interior fire place system or operation of any system that provides the exhaust of waste heat, smoke or similar substances from interior spaces.

- 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 this Ordinance to remove the freestanding outdoor furnace from any public or private property within the Village of West Lafayette, Ohio.

PASSED IN COUNCIL THIS 22 day of MAY, 2023.


Stephen R. Bordenkircher, Mayor

ATTEST:


Amy Bourne, Fiscal Officer