

CHAPTER 41A

OUTDOOR WOOD-FIRED HEATING SYSTEMS

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41A.01 PURPOSE. It is the purpose of this chapter to regulate the construction and operation of outdoor wood-fired heating systems (hereinafter defined) in the City for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the City and its inhabitants. It is recognized that the types of fuel used and the scale and duration of the unregulated burning by such systems can create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles and other products of combustion that can be detrimental to citizens health and can deprive neighboring residents of the enjoyment of their property or premises.

41A.02 DEFINITIONS.

1. "Allowable fuels" means:
 - A. Clean wood;
 - B. Wood pellets made from clean wood; and
 - C. Manufacturer approved fuels (e.g. biomass), provided they are not prohibited fuels.
2. "Clean wood" means wood that has not been painted, stained, coated, pressure treated with preservatives, and does not contain glues as in plywood or other composite woods.
3. "Outdoor wood boiler" (also referred to as hydronic heaters) means any device or structure that:
 - A. Is designed, intended or used to provide heat and/or hot water to any residence or other structure;
 - B. Operates by the burning of wood or any other allowable fuel; and
 - C. Is not located within a residence or other structure it is intended to heat.
4. "Outdoor wood-fired forced air heating system" means any device or structure that:

- A. Is designed, intended, or used to provide heat to any residence or other structure by means of forced air heat exchange;
 - B. Operates by the burning of wood or any other allowable fuel; and
 - C. Is not located within the residence or other structure it is intended to heat.
5. "Outdoor wood-fired heating system" shall refer to any Phase II outdoor wood boiler or any outdoor wood-fired forced air heating system that has a manufacturer's specification of meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units output.
6. "Phase II outdoor wood boiler" means an outdoor wood boiler that has been certified or qualified by the EPA as meeting particulate matter emission limit of 0.32 pounds per million British Thermal Units output and is labeled accordingly.
7. "Prohibited fuels" means:
- A. Any wood that does not meet the definition of clean wood.
 - B. Garbage
 - C. Tires
 - D. Lawn clippings or yard waste
 - E. Materials containing plastic
 - F. Materials containing rubber
 - G. Waste petroleum products
 - H. Paints and paint thinners
 - I. Chemicals
 - J. Glossy or colored papers
 - K. Construction or demolition debris
 - L. Plywood
 - M. Particle board
 - N. Manure
 - O. Animal carcasses
 - P. Asphalt products
 - Q. Materials containing asbestos

- R. Materials containing lead, mercury, or other heavy toxic metals
- S. Coal

41A.03 PROHIBITION. It shall be unlawful to install a non-compliant outdoor wood-fired heating system and to cause or permit the installation of such heating systems within the City after the effective date of the ordinance codified in this chapter. If any property with an existing non-compliant outdoor wood-fired heating system is sold, ownership transferred, or is located on a property that changes use, the non-conforming system shall be prohibited from any further use. If a pre-existing non-compliant outdoor wood-fired heating system is converted, moved to a new location within the same property or is adapted to service additional structures, it will be construed to be a newly installed boiler and as such would be prohibited. No person shall burn any of the prohibited fuels in an outdoor wood-fired heating system, regardless of EPA or emission qualifications.

41A.04 EXISTING USES. This chapter shall not apply to any outdoor wood boiler that was registered with the Linn County Health Department, installed, connected and operating as of the effective date of the ordinance codified in this chapter, except for the requirements of Section 41A.03. However, this section shall not be deemed as specific authorization for the use of any pre-existing outdoor wood boilers and shall not be deemed to bar, limit, or otherwise affect the rights of any person to take private legal action regarding damage to nuisance caused by the use of an outdoor wood boiler.

41A.05 PERMITTED USES.

1. Outdoor wood-fired heating system located on property that is zoned Rural Restricted:

A. The owner shall not operate the outdoor wood boiler during the period starting May 15 and ending September 15.

B. The outdoor wood-fired heater shall:

(1) Be no closer than 100 feet to the nearest property zoned for residential use; and

(2) Have a permanent stack that extends two feet higher than the peak of any roof structure that is located within 300 feet of the residential heater not served by the residential heater but no less than 15 feet above ground level and need be no greater than 25 feet above ground level.

2. Outdoor wood-fired heating system located on property that is in an I-1 or I-2 zoning district:
 - A. The owner shall not operate the outdoor wood-fired heater during the period starting May 15 and ending September 15.
 - B. If the outdoor wood-fired heater is within 500 feet of an occupied structure not served by the boiler, the heater shall have a permanent stack that extends 25 feet above ground level.
3. Storage of fuels related to outdoor wood-fired heating systems shall have solid screening from adjacent properties and be kept free of any noxious insects or rodents.
4. All outdoor wood-fired heating systems shall be installed, operated and maintained in accordance with the manufacturer's specification and instructions.
5. Opacity standards set forth in the current Linn County Code of Ordinances, Chapter 10 § 7 shall remain in full effect within the City of Marion.
6. In addition to meeting applicable regulations of the City, County, or State, outdoor wood-fired heating systems shall be subject to a Conditional Use Permit to ensure proper placement on a property and proper notification of adjacent property owners.

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