

ORDINANCE No. 131  
FREE STANDING FURNACES

THE CITY OF STOCKTON ORDAINS:

ARTICLE I.

Definitions

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Free Standing Furnace.** A furnace or burner designed and intended and/or used for the burning of wood or other fuel sources, which is free-standing and is located outside of the structure for which it is intended to provide heat.

ARTICLE II.

A) Intent and Purpose.

- a. It is recognized and found that smoke is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of wood smoke.
- b. Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA), have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.
- c. It is recognized that free-standing furnaces are designed and intended to be a primary heat source and therefore burn, and emit smoke, on a continual basis. A distinction is drawn between free-standing furnaces and indoor wood stoves and fireplaces that, by nature, provide supplemental heat and are generally used on a less-frequent basis.
- d. This ordinance was adopted for the purpose of protecting the public health, safety, comfort, and the general welfare of the people of the city.

B) Requirements.

- a. **PERMIT REQUIRED.** No person shall install a free-standing furnace on a property within the City without the owner of said property first having obtained a permit from the City Clerk. Application for a permit shall be made on a form provided by the City Clerk and available from the office. All applications shall be signed by the applicant. All applications for a permit under this chapter shall be accompanied by the fee established on the fee schedule and may be amended from time to time.
- b. **PROHIBITED FUELS.** The only fuel permitted to be burned is untreated fuel. Wood may not be treated, processed, stained, finished or painted – specifically prohibited woods include plywood, particle board and similar products. Other fuels, such as corn, shall not contain any additives, treatments or chemicals. No petroleum products or processed materials of any kind may be burned.
- c. **OUTSIDE STORAGE OF WOOD.** Outside storage of wood for the furnace shall be stacked in woodpiles.
- d. **EPA APPROVED.** Any free-standing furnace shall be installed, operated and maintained by EPA certified standings.
- e. **PROPERTY LINE SETBACKS.** A free-standing furnace must be setback a minimum of 25 feet from all property lines. No detached heating system shall be located in front or street yard. The intended location shall be behind the rear building line of the principal structure served by the appliance.
- f. **STRUCTURE SETBACK.** A free-standing furnace must be setback a minimum of 10 feet from any principal or accessory structure or manufacturer's recommendation, whichever is greater.
- g. **CHIMNEY STACK HEIGHT.** A free-standing furnace shall have a chimney height that extends at least 15 feet above ground level or manufacturer's recommendation, whichever is greater.

C) NONCONFORMING USE

- a. Continuation of nonconforming uses. The lawful use of any free-standing furnace existing at the time of the effective date of this ordinance may continue, although such use may not conform to the provisions of this ordinance. Such as abiding use and prohibited fuels.
- b. Extension or enlargement. No pre-existing, non-conforming free-standing furnace shall hereafter be extended, enlarged, or expanded.
- c. Abandonment. Any pre-existing, non-conforming free-standing furnace which is abandoned, shall not be permitted to be re-established as a non-conforming use, cannot be used, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the free-standing furnace, the City Clerk shall give written notice by certified mail, personal service, or by posting to the property owner upon which the free-standing furnace is located that such person shall remove the same within fifteen (15) days of the notice.

ARTICLE III.

ENFORCEMENT. Any person committing a violation of the provisions of this ordinance shall be guilty of a misdemeanor and, upon conviction for a violation hereof shall be subject to the terms of not more than 90 days or a fine of not more than \$1,000, or both.

ARTICLE IV.

REPEAL. That any ordinance that is inconsistent with this ordinance is hereby repealed.

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF STOCKTON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2022.

(SEAL)

\_\_\_\_\_  
David Johannes, Mayor

ATTEST:

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Bethany Winchester, Clerk-Treasurer