

ORDINANCE NO. 203

THE VILLAGE OF QUINCY HAS DETERMINED THAT THE USE OF FREE STANDING WOOD BURNING FURNACES, FOR THE HEATING OF BUILDINGS IN THE VILLAGE IS A THREAT TO THE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE VILLAGE. THEREFORE:

THE VILLAGE OF QUINCY ORDAINS:

Section 1. Definition. For purposes of this section, the term "free standing wood burning furnace" shall mean 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 other solid fuel; and
- (c) Is not located within a residential structure.
- (d) Excluded from the definition of free-standing wood burning furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

Section 2. Prohibition. It shall be unlawful to install or operate a free-standing wood burning furnace, and to cause or permit the installation or operation of a free-standing wood burning furnace, within the Village.

Section 3. Conflicts. This section shall not be construed as an exemption or exception to any other provision of these Codified Ordinances, including the Building Code, Property Maintenance Code, or any other Code or ordinances. In the event of a conflict between the provisions of this section and any other ordinance or other provision of law, the more restrictive provision shall apply.

Section 4. Existing Uses. This section shall not apply to any free-standing wood burning furnace that was installed, connected, and operating as of the effective date of this section. However, this section shall not be deemed as specific authorization for the use of any preexisting free-standing wood burning furnace and shall not be deemed to 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 free-standing wood burning furnace.

Section 5. Violations; Declaration of Nuisance. Any free standing wood burning furnace installed or operated in violation of this section is hereby declared to be nuisance per se.

Section 6. Issuance of Civil Infraction, Citations, and Notices. The Village Manager, or his/her directed representative are hereby designated as the authorized Village officials to issue Municipal civil infractions.

Section 7. **Penalty.** Whoever violates any provision of this section is responsible for a Municipal civil infraction, and shall be subject to the payment of a civil fine of not less than one hundred dollars (\$100.00), plus costs and other sanctions for each infraction. Each day that a violation exists or continues shall constitute a separate and additional violation.

MOVED Talbot

SECONDED Harvey

AYE 5

NAY 0

Absent 2

Diane Beckman 2-21-06

Diane Beckman
Village Clerk