

# Village of Lake Isabella - Codified Ordinances

## Article VI – General Nuisance Regulations

### Chapter 664 – Outdoor Free-Standing Furnaces

Effective July 15, 2008 – Ordinance 2008-03

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Chapter 664.01	Purpose
Chapter 664.03	Definitions
Chapter 664.05	Regulations
Chapter 664.07	Existing Free-Standing Fuel Burning Furnace
Chapter 664.09	Violations & Penalties

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#### **664.01 PURPOSE**

This section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Village of Lake Isabella due to the air pollution from outdoor wood-fired furnaces.

#### **664.03 DEFINITIONS**

Free-standing fuel-burning furnace - Any device or structure that:

- (1) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure;
- (2) Operates by the burning of wood or other fuel; and
- (3) Is not located within a residential or other structure for which it provides heat, unless the structure is designed solely to house the furnace.
- (4) Excluded from the definition of a free-standing fuel-burning furnace is any device which is not designed or used to heat a structure other than the structure in which it is located.

#### **664.05 REGULATIONS**

It shall be unlawful to install or operate a free-standing fuel-burning furnace, within the Village of Lake Isabella.

#### **664.07 EXISTING FREE-STANDING FUEL BURNING FURNACE**

This section shall not apply to any free-standing fuel-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 fuel-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 to nuisance caused by the use of a free-standing fuel-burning furnace. If a preexisting free-standing fuel-burning furnace 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 furnace and this ordinance shall apply in its entirety. Any free-standing fuel-burning furnace installed or operated in violation of this section is hereby declared to be a nuisance per se.

**664.09 VIOLATIONS & PENALTIES**

1. Any person, firm, corporation, trust, partnership, or other legal entity which violates or refuses to comply with any provision of this chapter shall be responsible for a municipal civil infraction and shall be subject to fines, costs, and other relief as provided for in Chapter 222 of the codified ordinances of the Village of Lake Isabella.
2. In addition to any other penalties or remedies available, the Village is authorized and empowered to direct the property owner to remove or otherwise abate the nuisance. If such notice is given, it shall be in writing, addressed to the property owner as it appears on the latest ad valorem property tax assessment roll, or current owner if such is different and known to the Village and be mailed via first class or posted at the property in violation, and shall inform the property owner of the following:
  - a. The nature of the violation/nuisance
  - b. The time in which the violation/nuisance must be abated.
3. Upon failure, neglect or refusal of any property owner to comply with the provisions of this chapter, the Village or its authorized contractor, or other designee, is authorized and empowered to enter the property owner's property to abate the nuisance, or to provide and to make payment for the abatement of the nuisance maintained.
4. When the Village abates a nuisance as provided herein, the cost of any abatement, including legal expenses and the authorized administrative fee will be billed to the property owner. The cost and fee will be a debt of the property owner to the Village, which may be assessed as a single lot assessment in accordance with Chapter 214 of the codified ordinances of the Village of Lake Isabella, and shall constitute a lien against the property, including interest, until paid, and enforced and collected in the same manner as ad valorem property taxes.
5. The failure to receive the notice as provided for in subsection (2) is not a defense to any action brought by a member of the public for injury or by the Village to collect the costs of abatement or impose penalties or other fees authorized by this article.