

ORDINANCE NO. 83
AN ORDINANCE TO PROHIBIT FREE-STANDING FUEL-BURNING FURNACES
IN THE VILLAGE OF MILLINGTON

The Village of Millington Ordains:

Ordinance Number 83 Village of Millington to read as follows:

FREE-STANDING FUEL BURNING FURNACES

(a) Definitions. The term "free-standing fuel-burning furnace" shall mean any device or structure that:

(1) Is designed, intended, or used to provide heat and/or 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.

(b) It shall be unlawful to install or operate a free-standing fuel-burning furnace, within the Village.

(c) This section shall not be construed as an exemption or exception to any other provision of the Village Code of Ordinances, including the Building Code, Property Maintenance Code, Fire Prevention Codes, Zoning Ordinance or any other Code of Ordinance. In the event of a conflict between the provisions of this action and any other ordinance or other provision of law, the more restrictive provision shall apply.

(d) 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.

(e) Any free-standing fuel-burning furnace installed or operated in violation of this section is hereby declared to be a nuisance per se.

(f) Penalty: Whoever violated any provision of this section is responsible for a municipal civil infraction as provided in Section 670.99 of the Village Code. Each day that a violation exists or continues shall constitute a separate and additional violation.

(g) Severability: Should any provisions of this ordinance or any part thereof be held unconstitutional or invalid, such holding shall not be construed as affecting the validity of any of the remaining provisions hereof or of any other provisions of the Code of Ordinances of the Village of Millington.

(h) Effective Date: This ordinance shall be effective 20 days after publication.

I, Rebecca Kochenderfer, Clerk of the Village of Millington, do hereby certify that the foregoing is a true copy of an Ordinance adopted by the Village Council of the Village of Millington at a meeting held on the 12 day of January, 2009.

Published 2-13-2009
The Millington Herald

Effective: 3-5-2009

Rebecca Kochenderfer
Rebecca Kochenderfer, Clerk
Village of Millington