

CITY OF MARSHALL ORDINANCE #04-01

An ordinance to amend Chapter 17-Nuisances-Article II: Health Nuisances of the Code of the City of Marshall adding to Sections 17-11 Definitions and adding Section 17-22 Existing Uses, thereof, to exclude certain outdoor Wood Burning Appliance and Equipment, throughout the City of Marshall. The City of Marshall ordains:

Sections 17-11 Definitions and Section 17-22 Existing Uses of Chapter 17 of the Code of the City of Marshall are hereby added to read as follows:

Sec. 17-11 Definitions-Add definition of "wood burning equipment"

Is hereby added to read as follows:

Wood burning equipment-shall mean, but is not limited to, any device, aperture, or structure that:

- (1) Is designed, intended, or used to provide heat and/or hot water to any residence or structure;
- (2) Operates by burning wood or other solid fuel such as, but not limited to, coal, paper, or agricultural products;
- (3) Is not located within the residential building excluding accessory buildings unless attached to the main building;
- (4) Excluded from the definition of a free-standing wood burning equipment is any device which is not designed or used to heat a building or structure other than the building or structure in which it is located.

Section 17-22 Existing Uses, shall be added to read as follows:

Sec. 17-22- Existing Uses. This ordinance shall not apply to any freestanding wood burning appliance that was installed, connected, and operating under a valid permit issued by the City of Marshall, as of the effective date of this ordinance, as long as, such equipment is maintained in a safe and operational condition, otherwise, said freestanding wood burning furnace is hereby considered a nuisance per se and prohibited.

This ordinance shall become effective upon publication.

Gail Budrow-Bradstreet, Clerk-Treasurer

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