

**CITY OF NORTHAMPTON
BOARD OF HEALTH
REGULATIONS GOVERNING OUTDOOR
WOOD-BURNING BOILERS (OWB)**

Section 1. Findings and Purpose

Whereas; outdoor wood burning boilers have been shown, because of their design, to emit high quantities of particulate matter and other noxious fumes; and

Whereas; health, safety and nuisance problems have arisen from the use of these boilers; and

Whereas; poor management and also poor fuel practices exacerbate the adverse effects of the smoke that is created by the firing of these units.

Section 2. Authority

The Board of Health of the City of Northampton, pursuant of the Massachusetts General Laws Chapter 111 Section 31 and 31C, Section § 142B, § 142D, 310 CMR 7.00, 310 CMR 7.09, and 310 CMR 7.52, hereby adopts these regulations in order to minimize the human health hazards resulting from the smoke and noxious fumes emitted by outdoor wood burning boilers, to encourage proper techniques in the use and location of these boilers, and to promote the public comfort and convenience.

These regulations shall be effective on December 1, 2006.

Section 3. Definitions

- A. For the purposes of this section, “outdoor wood burning boilers” means an accessory structure or appliance designed to be located outside space ordinarily used for residential, business or industrial purposes which is designed to provide heat, via liquid or other means, through the burning of wood, for heating spaces other than where such structure or appliance is located, or for heating domestic, swimming pool, hot tub or Jacuzzi water. “outdoor wood burning boilers” does not include a fire pit, wood-fired barbecue or chimney.
- B. Outdoor Wood Burning Boiler: a wood fired boiler surrounded by a water jacket, in an insulated freestanding shed with a smoke stack and used to heat water that is carried by underground pipes to provide heat to a building.
- C. Wood fuel: all wood intended to be used at fuel, including but not limited to trees, cordwood, logs, lumber, sawdust, and wood from manufacturing processes (butt offs, shavings, turnings, sander dust) wood pellets, slabs, bark, chips waste pallets. This definition DOES NOT include materials chemically treated with any preservative such as paint, oil base product or pressure treated, trash, or garbage.
- D. Season wood: wood that has been cut a year and dried at least 6 months.

Section 4. Requirements

- A. A permit is required from the Board of Health to install an outdoor wood burning boiler. The permit process shall include submission of a written application form and payment of the permit fee established by the Board. In addition, permit applicants must demonstrate to the satisfaction of the Board of Health that they understand the requirements for proper installation and operation of an outdoor wood burning boiler. The application must be accompanied by a map indicating proposed boiler location in relation to other buildings and separating distances from boiler to all buildings and outbuildings on site and all neighboring houses within 900 feet, together with distances to all roads adjacent to site, and distances from boiler to woods, brush, and flammable structures. **Permit Fee: \$100.00**
- B. No boiler shall be installed within 60 feet of the house it is serving or within 750 feet of any other house.
- C. Boilers must have a smokestack height of at least the height of the highest abutting residence within 750 feet plus 2 feet. (This is actual roof peak.)
- D. Boilers may only be operated during the heating season, which shall for the purpose of these regulations be September 1 to June 1, with the exception of days of unseasonable weather.
- E. Must be located not less than 750 feet from the nearest residence not being served by the unit.
 - o In the event a vacant building lot exists within the statutory 750 foot set back requirement, a person seeking to build a residence would take precedence over an OWB (if installed after October 5, 2006) and the owner of the OWB would need to stop all non-compliant operation when the new building received a certificate of occupancy.
 - o City of Northampton Board of Health 500. Regulation Chapter 18 does not grant any authority for an owner/operator of an OWB to restrict an adjacent property owner from exercising a right to build on property within the 750 foot set back zone.
- F. Because the provision regarding chimney heights is intended to limit the envelopment of down wind residences by the smoke plume from an OWB, the comparative heights must be referenced to mean sea level (MSL) and not to variations in local topography.
 - o A chimney's height would however be limited to no more than 55 feet at its installed location.
 - o Should a new residence be built, or an existing residence be modified, within the 750 foot radius, the OWB chimney height would have to be raised to match the height of the new or modified structure, up to the maximum of 55 feet as provided in the statute or all non-compliant OWB operations would have to be ceased.
 - o A licensed Land Surveyor or Professional Engineer would be able to provide appropriate mapping, showing both the horizontal and vertical control measurements to all residences within the 400 foot radius required by law in order to demonstrate compliance with City of Northampton Board of Health 500. Regulation Chapter 18.

- G. Manufacturer's recommendations for the installation and use of the unit must be followed.
- H. Only dry, seasoned, untreated wood fuel may be burned in the boiler unit.
- I. Boilers installed before the effective date of these regulations shall not be exempt from these regulations. Owners of all existing boilers shall have thirty (30) days from the effective date of this regulation to obtain a permit. Upon application for a permit, all existing owners of boilers shall have thirty (30) days to bring the boiler into full compliance with this regulation. However, the Board of Health shall have the right to take appropriate enforcement or other action, in accordance with the Massachusetts General Laws Chapter 111 Section 31 and 31C, Section § 142B, § 142D, 310 CMR 7.00, 310 CMR 7.09, and 310 CMR 7.52, with respect to any such boiler that it determines constitutes a nuisance.
- J. Removal prior to sale or transfer of property requires a certification prior to the completion of a sale or transfer of any real property on or after a certain date, that all wood burning appliances that are not certified, that it meets all current Federal, State and Local Regulations, would be required to be replaced, removed or rendered permanently inoperable.

Section 5. Emission Standards

Smoke emission from any solid fuel burning device shall not exceed 30% opacity for a period of two (2) minutes except during a fifteen (15) minute startup period.

Section 6. Enforcement

The City of Northampton Board of Health, the Health agent and the City of Northampton Fire Department are authorized to enforce this regulation.

Section 7. Penalties

The owner of any solid fuel burning device operated in violation of these regulations shall be punished, for the first offence, by a fine of not less than fifty dollars nor more than one hundred dollars and for a subsequent offence, by a fine of not less than two hundred dollars nor more than five hundred dollars. For the purposes of this paragraph each day or part thereof of violation of any order, rule or regulation whether such violation be continuous or intermittent, shall be construed as a separate and succeeding offense.

Section 8. Appeal

An owner may appeal an order to correct a violation of these regulations provided that a written request for a hearing is filed with the Board of Health within seven (7) days of receipt of the violation notice.

Section 9. Severability

If any part, paragraph, provision or section of this regulation is determined by any Court to be invalid, against public policy, or unconstitutional, said finding shall not affect the legality of any remaining part(s), paragraph(s), provision(s) or section(s) of this regulation which shall continue in full force and effect.

Section 10. Variances

The Board of Health may vary any provision of these regulations with respect to any particular case, when in its opinion, (1) the enforcement thereof would do manifest injustice, and (2) the applicant has proved that the same degree of protection can be achieved without strict application of the particular provision. All variances shall be considered at a hearing by the Board of Health

ROSEMARIE KARPARI, R.N., MPH, CHAIR
Chairperson

XANTHI SCRIMGEAUR, MHed, CHES
Member

JAY FLEITMAN, M.D.
Member