

Village of Lake Isabella Codified Ordinances

Article VI – General Nuisance Regulations

Chapter 664 - Outdoor Free-Standing Furnaces

Last Amended by Ordinance 2017-04 on August 15, 2017

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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

An Outdoor Free-standing Furnace is 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 the structure that it is intended to provide heat for.

664.05 Regulations

1. It shall be unlawful to install or operate a free-standing fuel-burning furnace, within the following zoning districts of the Village of Lake Isabella:
 - a. Lake Residential 1
 - b. Lake Residential 2
 - c. Lake Residential 3
 - d. Airport Residential
 - e. Commercial
 - f. West Coldwater Business District

2. If located in any other zoning district of the Village of Lake Isabella, an Outdoor Free-Standing Furnace shall not be located within 500 of a single-family dwelling.

664.07 Existing Outdoor Free-Standing Furnaces

This section shall not apply to any Outdoor Free-Standing Furnaces that was installed, connected, and operating as of January 1, 2009. However, this section shall not be deemed as specific authorization for the use of any preexisting Outdoor Free-Standing Furnaces 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 an Outdoor Free-Standing Furnaces. If a preexisting Outdoor Free-Standing Furnaces 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 Outdoor Free-Standing Furnaces installed or operated in violation of this section is hereby declared to be a nuisance per se.

664.09 Violations and 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

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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.