

**Section 4-77 of the Town of Falmouth Code of Ordinances shall be replaced in its entirety with the following:**

## **OUTDOOR WOOD BOILER CODE**

### **1. Applicability.**

**A.** This regulation applies to any person who operates, installs, or allows the installation of an outdoor wood boiler.

**B.** This regulation applies to outdoor wood boilers with a rated thermal input of less than 3 MMBtu/hr. Boilers with a rated thermal heat input of 3 MMBtu/hr or greater are subject to Chapter 103 Fuel Burning Equipment Particulate Emission Standard of the Maine Department of Environmental Protection's Regulations.

**C.** In the event that any provision of this ordinance conflicts with the provisions of DEP Chapter 150 the more restrictive provision shall apply.

### **2. Definitions.**

The following terms, as used in this Section, have the following meanings:

**A. CEO.** Code Enforcement Officer of the Town of Falmouth.

**B. DEP Chapter 150.** Chapter 150 of the Rules of the Maine Department of Environmental Protection "Control of Emissions from Outdoor Wood Boilers", as amended July 4, 2008.

**C. Existing outdoor wood boiler.** An outdoor wood boiler that was verified by the Code Enforcement Officer (CEO) on or before June 30, 2007 as having been installed and operating in the Town of Falmouth.

**D. New outdoor wood boiler.** An outdoor wood boiler that is not installed and/or operational at the intended location of use as of the effective date of this ordinance.

**E. Outdoor wood boiler.** As defined in Chapter 150 of the Rules of the Maine Department of Environmental Protection "Control of Emissions from Outdoor Wood Boilers", as amended July 4, 2008.

### **3. Requirements for the Installation and Operation of Outdoor Wood Boilers.**

#### **A. Particulate Matter Emission Standards for New Outdoor Wood Boilers.**

No person shall operate, install or allow the installation of a new outdoor wood boiler unless it has been certified under Section 3(E) of Chapter 150 to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output.

#### **B. Setback Requirements for Outdoor Wood Boilers.**

(1) Existing outdoor wood boilers. No person shall install or allow the installation of any existing outdoor wood boiler unless the outdoor wood boiler is installed no closer than 250 feet from the nearest property line or no closer than 270 feet from the nearest dwelling that is not on the same property as the outdoor wood boiler.

(2) New outdoor wood boilers. No person shall install or allow the installation of any new outdoor wood boiler unless the outdoor wood boiler is installed no closer than 50 feet from the nearest property line or no closer than 70 feet from the nearest dwelling that is not on the same property as the outdoor wood boiler.

(3) Setbacks from certain uses. No person shall install or allow the installation of any outdoor wood boiler closer than 500 feet from the property line of a public or private school, daycare center or daycare home, health institution, or outdoor recreation facility, as those terms may be defined in the Zoning and Site Plan Review Ordinance.

### **C. Stack Height Requirements for Outdoor Wood Boilers.**

#### **(1) Existing outdoor wood boilers.**

(a) No person shall install or allow the installation of any existing outdoor wood boiler unless the outdoor wood boiler:

- (1) has an attached stack with a minimum stack height of 10 feet above ground level; or
- (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler, if an abutting residence is located less than 500 feet from the outdoor wood boiler.

(b) No person shall operate any existing outdoor wood boiler if an abutting residence is located less than 500 feet from the outdoor wood boiler, unless the outdoor wood boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler.

#### **(2) New outdoor wood boilers.**

(a) No person shall install or allow the installation of any new outdoor wood boiler unless the outdoor wood boiler:

- (1) has an attached stack with a minimum stack height of 10 feet above ground level; or
- (2) has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler, if an abutting residence is located less than 300 feet from the outdoor wood boiler.

(b) No person shall operate any new outdoor wood boiler if an abutting residence is located less than 300 feet from the outdoor wood boiler, unless the outdoor wood boiler has an attached stack extending two feet higher than the peak of the roof of the structure being served by the outdoor wood boiler.

**4. Third Party Sales.** Third Party Sales, as described in DEP Chapter 150, Section 6 are prohibited, unless the outdoor wood boiler being sold or distributed either qualifies as an “existing outdoor wood boiler” as defined in this ordinance, or has been certified under Section 3(E) of Chapter 150 to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output.

**5. Fuel requirements.** No person shall burn any item in an outdoor wood boiler other than those items listed in DEP Chapter 150, Section 4.B.

**6. Permit required.** No person shall operate, install, or allow the installation of an outdoor wood boiler without first obtaining a permit from the CEO. The CEO shall issue a permit for an outdoor wood fired boiler upon a determination that the proposed outdoor wood boiler complies with the requirements of DEP Chapter 150 and the requirements of this ordinance.

**7. Enforcement.** This ordinance shall be enforced by the CEO.