



# TOWN OF BELLINGHAM

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07-1

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## TOWN OF BELLINGHAM BOARD OF HEALTH REGULATIONS FOR OUTDOOR WOOD BOILERS

### 07-1-1 PURPOSE AND AUTHORITY

Whereas outdoor wood boilers have been found to emit significant high quantities of particulate matter and noxious fumes, and;

Whereas poor and unapproved operating practice of outdoor wood boilers exacerbate the effects of the smoke, and;

Whereas complaints related to adverse affects related to health, comfort of life, and general nuisance have been recorded in the Town of Bellingham and throughout the State of Massachusetts,

The Board of Health of the Town of Bellingham, Massachusetts, under the authority of Massachusetts General Law Chapter 111, § 31, 31C, & 122 and 310 CMR 11.02 hereby adopts these regulations in order to protect public health, and comfort and convenience from uncontrolled emissions of smoke and noxious fumes.

These regulations shall be effective on and after January 1, 2008, and so remain until modified or amended by the Board of Health.

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## **07-1-2 DEFINITIONS**

CLEAN WOOD means wood that is not treated, coated, or had any adhesives or chemicals applied to it, spilled on it, or otherwise attached to it.

EMISSION means any discharge or release of an air contaminant to the ambient air space.

EMISSION POINT means any place (including but not limited to a stack or vent) at or from which any air contaminant is emitted to the ambient air space.

INCINERATOR means an appliance used to burn trash, rubbish, and other wastes.

OUTDOOR WOOD BOILER means a free standing wood fired boiler, surrounded by a water jacket with a smoke vent that is used to heat water that is carried by pipe to provide heat to a building or other destination. Outdoor wood boilers do not include fire pits, chimineas, wood fired barbeques, or equipment for the melting, reclaiming, or refining of metals or maple syrup.

ODOR means that property of gaseous, liquid, or solid materials that elicits a physiologic response by the human sense of smell.

SEASONED WOOD means wood, used for fuel that has been air dried so that it contains less than 20 percent moisture content.

## **07-1-3 RESTRICTIONS**

It shall be illegal for any person to install an outdoor wood boiler within the legal limits of the Town of Bellingham.

## **07-1-4 SET-UP**

The following requirements are hereby placed on existing outdoor wood boilers:

1. No person may operate an existing outdoor wood boiler in the Town of Bellingham, Massachusetts without first obtaining a permit from the Town of Bellingham Board of Health.
2. Persons operating an outdoor wood boiler will allow agents access to the outdoor wood boiler for purposes of conducting inspections to ensure compliance with this code.

3. A clear radius of 20 feet must be maintained between any outdoor wood boiler and any trees or vegetation of height greater than the height of the top of the fuel feed door.
4. Tops of chimneys or other points of emission from outdoor wood boilers must be two feet higher than the eaves of any structure on the property being served and in no case less than 25 feet above the ground immediately surrounding the outdoor wood boiler.
5. Tops of chimneys or other points of emission from outdoor wood boilers must be equipped with a properly operating spark arrester system.

#### **07-1-5 OPERATIONS**

1. Only properly seasoned clean wood shall be used to fuel outdoor wood boilers.
2. Outdoor wood boilers shall only be operated from November 1st through April 30th inclusive.

#### **07-1-6 PROHIBITIONS**

It shall be illegal in the Town of Bellingham for any person to:

1. Cause, suffer, allow, or permit the installation of an outdoor wood boiler in the Town of Bellingham, Massachusetts.
2. Cause, suffer, allow, or permit the installation or use of any material, article, machine, equipment, or contrivance which conceals an emission without reducing the total weight of emissions where such emission would constitute a violation of any applicable regulation.
3. Cause, suffer, allow, or permit the operation of an outdoor wood boiler between May 1st and October 31st, both inclusive.
4. Cause, suffer, allow, or permit the operation of an existing outdoor wood boiler in any manner contrary to the manufacturers operating procedures.
5. Cause, suffer, allow, or permit the operate of an existing outdoor wood boiler in any manner that causes a public nuisance or a public health risk.
6. Cause, suffer, allow, or permit the burning of treated woods, trash, garbage, biological waste, or any other waste or otherwise use an outdoor wood boiler as an incinerator.

## 07-1-7 ENFORCEMENT

- A. If an inspection or examination reveals that an outdoor wood boiler is installed or operated in a manner that is not compliant with these regulations the Board of Health or their agent shall issue an order to cease operation of the outdoor wood boiler until it has been restored to compliance.
- B. If an inspection or examination determines that an outdoor wood boiler is operated in a manner that constitutes a nuisance or cause of filth or sickness in accordance with Massachusetts General Laws C. 111, the Board of Health or their agent shall issue an order to cease operation of the outdoor wood boiler.
- C. Any person who fails to comply with an order issued pursuant to these regulations may:
  - 1. Be ordered to cease operation of the outdoor wood boiler, or
  - 2. Be punished, for the first offense, by a fine of not less than one thousand nor more than five thousand dollars and for a subsequent offense, by a fine of not less than five thousand nor more than ten thousand dollars, or
  - 3. Be penalized by complaint brought in Worcester County Housing Court, District Court, or any other court of competent jurisdiction.
- D. Each day's failure to comply with an order shall constitute a separate violation.

## 07-1-8 SEVERABILITY

If any provision contained in these regulations is deemed invalid for any reason, it shall be severed and shall not affect the validity of the remaining provisions.

**Adopted at a duly scheduled meeting of the Bellingham Board of Health on November 26, 2007.**

  
Camille Vaillant  
Chairman

  
Vincent Forte  
Vice Chairman

  
Walter J. DePaolo  
Member