

HOUSE BILL 811

M3

71r2167
CF SB 694

By: **Delegates Beitzel, Kelly, McKee, Myers, Shewell, Stocksdales, and Stull**
Introduced and read first time: February 9, 2007
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Environment – Outdoor Wood Burning Furnaces – Requirements**

3 FOR the purpose of prohibiting the use of an outdoor wood burning furnace in a
4 municipality; authorizing the use of an outdoor wood burning furnace outside of
5 a municipality under certain circumstances; prohibiting certain individuals
6 from bringing certain nuisance claims; requiring certain commercial sellers to
7 notify certain buyers of the provisions of this Act; exempting certain individuals
8 from certain provisions of this Act under certain circumstances; defining a
9 certain term; and generally relating to outdoor wood burning furnaces.

10 BY adding to

11 Article – Environment

12 Section 2–108

13 Annotated Code of Maryland

14 (1996 Replacement Volume and 2006 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article – Environment**

18 **2–108.**

19 (A) IN THIS SECTION, “OUTDOOR WOOD BURNING FURNACE” MEANS A
20 FREESTANDING, OUTDOOR, RESIDENTIAL FURNACE THAT:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **(1) CONSISTS OF A WOOD BURNING FIREBOX SURROUNDED BY A**
2 **WATER RESERVOIR THAT IS VENTED BY A CHIMNEY STACK; AND**

3 **(2) IS USED TO SUPPLY HEAT, HOT WATER, OR BOTH TO A**
4 **RESIDENTIAL DWELLING.**

5 **(B) AN OUTDOOR WOOD BURNING FURNACE MAY BE USED IF:**

6 **(1) IT IS LOCATED AND OPERATED IN ACCORDANCE WITH**
7 **APPLICABLE LOCAL ORDINANCES;**

8 **(2) IT IS LOCATED AT LEAST 200 FEET FROM AN OCCUPIED**
9 **DWELLING THAT IS NOT SERVICED BY THE OUTDOOR WOOD BURNING FURNACE;**
10 **AND**

11 **(3) THE HEIGHT OF THE CHIMNEY STACK IS TALLER THAN THE**
12 **ROOF LINE OF THE DWELLING IT SERVES.**

13 **(C) A PERSON WHO CONSTRUCTS A NEW RESIDENTIAL DWELLING**
14 **WITHIN 200 FEET OF AN EXISTING OUTDOOR WOOD BURNING FURNACE MAY**
15 **NOT BRING A CLAIM OF NUISANCE AGAINST THE OWNER OF THE EXISTING**
16 **OUTDOOR WOOD BURNING FURNACE.**

17 **(D) A COMMERCIAL SELLER OF OUTDOOR WOOD BURNING FURNACES**
18 **IN THE STATE SHALL NOTIFY BUYERS OF THE REQUIREMENTS OF THIS SECTION**
19 **BEFORE THE SALE OF AN OUTDOOR WOOD BURNING FURNACE.**

20 **(E) SUBSECTION (B)(2) OF THIS SECTION DOES NOT APPLY TO A**
21 **PERSON WHO OWNS AN OUTDOOR WOOD BURNING FURNACE ON OR BEFORE**
22 **OCTOBER 1, 2007.**

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2007.