



Notice of Springfield Township's Seasonal Restrictions On The Use Of Outdoor Wood-Burning Furnaces

On October 11, 2011, Springfield Township enacted Resolution Number 81-2011 establishing seasonal restrictions on the use of Outdoor Wood-Burning Furnaces. In this Resolution, Springfield Township established that Outdoor Wood-Burning Furnaces, as defined in the Resolution, must be located in compliance with the Springfield Township Zoning Regulations and may not be used in any manner after May 1st or before October 1st of any year. Resolution No. 81-2011 also outlines the administration, enforcement, and penalties for violations of the Resolution. The Resolution consists of the following Chapters and Sections:

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Section 2 Zoning Compliance Required

Section 3 Seasonal Restrictions

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Section 8 Compliance With Reading Requirements Pursuant to Resolution No. 81-2011, persons who violate the seasonal restrictions on the use of Outdoor Wood-Burning Furnaces shall be issued a Civil Citation in the following amounts:

1. \$100 on the first offense;
2. \$250 for the second offense;
3. \$500 for the third offense;
4. \$750 for the fourth offense; and
5. \$1,000 for each subsequent offense.

There is an administrative fee for processing each citation. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Resolution Number 81-2011 becomes effective on November 7, 2011. A copy of this Summary is available on Springfield Township's website (www.Springfieldtp.org) under the Outdoor Wood-Burning Furnace Regulation heading.

**BOARD OF TRUSTEES SPRINGFIELD TOWNSHIP, HAMILTON COUNTY,
OHIO RESOLUTION NUMBER 81-2011 ESTABLISHING SEASONAL RESTRICTIONS ON
THE USE OF OUTDOOR WOOD-BURNING FURNACES**



WHEREAS, the Board of Trustees of Springfield Township, Hamilton County, Ohio, met in Regular Session on the 13th day of September, 2011 at the Springfield Township Administration Building, 9150 Winton Road with the following members present:

Tom Bryan Joseph Honerlaw Gwen McFarlin

Trustee Joseph Honerlaw moved for the adoption of the following Resolution:

WHEREAS, it has come to the attention of the Board of Township Trustees that the sale and use of Outdoor Wood-Burning Furnaces is on the rise throughout the Country;

WHEREAS, the American Lung Association and the Ohio Environmental Protection Agency have warned that emissions from Outdoor Wood-Burning Furnaces have the potential to cause serious health problems such as increased respiratory symptoms, exacerbation of asthma, and decreased breathing ability; and

WHEREAS, the Board of Township Trustees desires to balance the interests of Township residents in having choices as to the method to heating their homes and the interests of such residents in ensuring and protecting the quality of air in the Township.

NOW THEREFORE BE IT RESOLVED BY THE SPRINGFIELD TOWNSHIP BOARD OF TRUSTEES that:

SECTION 1 - DEFINITIONS For purposes of this Resolution, an Outdoor Wood-Burning Furnace shall be defined as an accessory structure, device, equipment, apparatus, or appliance designed to be located outside and to transfer heat, via liquid or other means, through the burning of wood or other permitted material, for heating interior spaces or for heating swimming pool or hot tub water. "Outdoor Wood-Burning Furnace" does not include a fire pit, fire bowl, fire pot, outdoor fireplace, wood-fired barbeque, or chimenea. An Outdoor Wood-Burning Furnace may also be referred to as an Outdoor Wood Boiler or as an Outdoor Wood Hydronic Heater.

SECTION 2 - ZONING COMPLIANCE REQUIRED Outdoor Wood-Burning Furnaces may only be located in Springfield Township in accordance with the Springfield Township Zoning Resolution.

SECTION 3 - SEASONAL RESTRICTIONS Outdoor Wood-Burning Furnaces may only be used or operated from October 1st to May 1st of any year. Any and all use of Outdoor Wood-Burning Furnaces after May 1st or before October 1st is strictly prohibited.

SECTION 4 - CIVIL CITATION AND APPEAL

4.1 Civil Citation Issued. Civil citations will be issued to persons who engage in conduct prohibited by this Resolution. **4.2 Form of Civil Citation.** Civil Citations issued for a failure to comply with this Resolution shall be given in accordance with all of the following:



1. The Citation must be in writing on a form specifically designated as a Civil Citation form;
2. The Citation must include a statement advising the person charged that he/she must answer the citation within fourteen (14) days after the date on which the Citation is served upon him/her;
3. The Citation must include a statement indicating the allowable answers that may be made and that the person will be afforded a court hearing if he/she denies committing the violation;
4. The Citation must include a statement specifying that the answer must be made in person, or by mail, to the Springfield Township Fiscal Officer;
5. The Citation must include a statement indicating the amount of the fine arising from the violation;
6. The Citation must include a statement advising the person of the violation charged, the date, time and place of the violation charged; and
7. The Citation must include the signature and affirmation of the police officer completing the Citation.

4.3 Method of Service. The Civil Citation shall be deemed to be properly served if it is:

1. Delivered personally to the owner of the property at issue by a Springfield Township Police Officer; or
2. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, addressed to the owner of the property at issue at the address listed as the owner's tax mailing address by the Hamilton County Auditor; or
3. Sent by certified or express mail, return receipt requested with instructions to the delivering postal employee to show to whom it was delivered, the date of delivery, and the address where it was delivered, to the owner of the property at issue at the owner's last known address; or
4. Delivered personally to the usual place of residence of the owner of the property at issue to the owner or some person of suitable age and discretion then residing at that residence; or
5. Any other method of service permitted by the Ohio Rules of Civil Procedure.

4.4 Permissible Answers. Any person, firm, or corporation to whom a Civil Citation has been served may answer said Citation in one of the following ways:



1. Admission that the person, firm, or corporation committed the violation charged - filed in the manner and within the time permitted by this Resolution;
2. Express denial of the violations charged by the person, firm, or corporation charged - filed in the manner and within the time permitted by this Resolution; or
3. Implicit denial of the violations charged by the failure of the person, firm, or corporation charged to file an answer or pay the fine set forth in the Civil Citation within the time permitted by this Resolution.

4.5 Admission of Guilt. Persons, firm, or corporations served with Civil Citations may admit that he/she/it committed the violations charged by paying the fine set forth in the Civil Citation as required by Section 4.4 of this Resolution.

1. Admission of Guilt of Violations Charged in Civil Citations – Payment of Fine by Hand Delivery. Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation in person to the Township Fiscal Officer . Such payments must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

2. Admission of Guilt of Violations Charged in Civil Citations – Payment of Fine by Mail. Persons, firms or corporations served with Civil Citations may admit the violations charged in the Civil Citation by paying the fine or fines set forth in the Civil Citation by mailing the payment, postage prepaid, to the Township Fiscal Officer, 9150 Winton Road, Cincinnati, Ohio 45231. Such admissions/payments must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

3. Effect of Admission and Payment of Fine. Persons, firms, or corporations who admit guilt as to the violation charged in a Civil Citation issued against them and who pay the fine set forth in the Citation are in no way absolved from resolving, removing, repairing, or otherwise abating the condition which resulted in the issuance of the Civil Citation. If such persons, firms, or corporations continue to use or operate an Outdoor Wood-Burning Furnace in violation of this Resolution, Springfield Township may continue to issue Civil Citations each day it determines that a violation occurs. The admission of guilt and payment of the fines set forth in the Civil Citation shall in no way preclude the Springfield Township Board of Trustees from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation of this Resolution.

4.6 Express Denial of Violations Charged in Civil Citations – Hand Delivery of Denial. Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and presenting the denial in person to the Township Fiscal Officer. Such denials must be hand-delivered within fourteen (14) days of the date that the Civil Citation was served upon such person, firm, or corporation.

4.7 Express Denial of Violations Charged in Civil Citations – Mailing of Denial. Persons, firms or corporations served with Civil Citations may deny the violations charged in the Civil Citation by expressly denying the violations in writing and by mailing the



denial, postage prepaid, to the Township Fiscal Officer, 9150 Winton Road, Cincinnati, Ohio 45231. Such denials must be received by the Township no later than fourteen (14) days after the date that the Civil Citation was served upon such person, firm, or corporation.

4.8 Implicit Denial of Violations. Persons, firms, or corporations who fail to either expressly deny the violations charged in the Civil Citation issued against them in the manner and within the time permitted by this Resolution or who fail to admit the violations charged in the Civil Citation issued against them by paying the fine or fines set forth in the Civil Citation in the manner and within the time permitted by this Resolution shall be deemed to have denied the violations charged.

4.9 Referral to Municipal Court. If the person, firm, or corporation issued a Civil Citation either expressly or implicitly denies the violations charged in the Citation within fourteen (14) days after service of the Civil Citation, the Springfield Township Fiscal Officer shall notify the Hamilton County Municipal Court of the denial so that a hearing can be set.

4.10 Municipal Court Hearings. Municipal Court hearings are conducted according to the Rules of Civil Procedure and the court determines whether the violation is proven by the Township by a preponderance of the evidence. If the court determines that the violation has been proven, it will order the violator to pay the fine.

4.11 Payment of Fine After Determination of Guilt. Persons, firms, or corporations found to have violated the provisions of this Resolution charged in the Civil Citation must pay the fines assessed by the court within ten (10) days after the judgment. Failure to pay the fine within this time period will result in the placement of a lien on the property at issue. **4.12 Appeal.** Persons, firms, or corporations wishing to appeal an adverse determination by the Hamilton County Municipal Court may file an appeal with the First District Court of Appeals within thirty (30) days after the judgment. The court of appeals schedules a hearing on the matter, and its decision is final.

SECTION 5 - PENALTIES AND FINES

5.1 Violation Penalties. Any person, firm, or corporation who violates a provision of this Resolution shall be issued a Civil Citation in the following amounts: 1. In the amount of one hundred dollars (\$100.00) on the first offense; 2. In the amount of two hundred-fifty dollars (\$250.00) for the second offense; 3. In the amount of five hundred dollars (\$500.00) for the third offense; 4. In the amount of seven hundred-fifty dollars (\$750.00) for the fourth offense; and 5. In the amount of one thousand dollars (\$1,000.00) for each subsequent offense.

5.2 Administrative Fee. In addition to the fine imposed by this Resolution, Springfield Township will charge an administrative fee for the processing of all citations paid-out to the Township Fiscal Officer. The administrative fee for 2011 shall be ten dollars (\$10.00) for each citation paid-out. After that time, the administrative fee shall be that fee established on Springfield Township's fee schedule adopted for the relevant year.

5.3 Continuing Violations. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

SECTION 6 - ABATEMENT AND OTHER LAWFUL REMEDIES



6.1 Abatement of violation. The imposition of the fines and penalties herein prescribed shall not preclude the Springfield Township Board of Trustees from instituting, by and through its law director, appropriate action to enjoin, restrain, correct or abate a violation, or to prevent the use or operation of an Outdoor Wood-Burning Furnace in violation of this Resolution.

SECTION 7 - COMPLIANCE WITH LAW That the Springfield Township Board of Trustees hereby finds and determines that all formal actions relative to the passage of this Resolution were taken in open meetings of this Board, and that all deliberations of the Board and of its committees, if any, which resulted in formal action, were taken in meetings open to the public in full compliance with applicable legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 8 - COMPLIANCE WITH READING REQUIREMENTS The Springfield Township Board of Trustees hereby finds and determines that this Resolution was adopted pursuant to Section 504.10 of the Ohio Revised Code and was publicly read on the following two, different dates:

September 13, 2011

October 11, 2011

BE IT FURTHER RESOLVED that the Township Fiscal Officer shall cause a copy of this Resolution to be posted in five (5) conspicuous places in the Township for a period of thirty (30) days. Additionally, the entire Resolution shall be posted on the Township website and shall be available as a printed document at the Township Administrative Offices during normal business hours. The section headings, numbers, a brief summary, and the availability of this Resolution shall be published in a newspaper of general circulation in the Township for three consecutive weeks,

Trustee Tom Bryan seconded the Motion and roll being called upon its adoption the vote resulted as follows:

Mr. Bryan, Aye Mr. Honerlaw, Aye Ms. McFarlin, Aye