



General Assembly

Substitute Bill No. 5804

February Session, 2008

* HB05804ENV 031708 *

AN ACT REGULATING THE SALE OF OUTDOOR WOOD-BURNING FURNACES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 22a-174k of the general statutes is repealed and
2 the following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) For purposes of this section, "business day" means any day
4 except a Sunday or a state holiday, "seller" means a person who sells
5 outdoor wood-burning furnaces and "outdoor wood-burning furnace"
6 means an accessory structure or appliance designed to be located
7 outside living space ordinarily used for human habitation and
8 designed to transfer or provide heat, via liquid or other means,
9 through the burning of wood or solid waste, for heating spaces other
10 than where such structure or appliance is located, any other structure
11 or appliance on the premises, or for heating domestic, swimming pool,
12 hot tub or jacuzzi water. "Outdoor wood-burning furnace" does not
13 include a fire pit, wood-fired barbecue or chiminea.

14 (b) No person shall, from July 8, 2005, to the effective date of
15 regulations promulgated by the United States Environmental
16 Protection Agency to regulate outdoor wood-burning furnaces,
17 construct, install, establish, modify, operate or use an outdoor wood-
18 burning furnace, unless (1) the outdoor wood-burning furnace was
19 constructed, installed, established, modified, operated or in use prior

20 to July 8, 2005, or (2) the outdoor wood-burning furnace complies with
21 the following:

22 (A) Installation of the outdoor wood-burning furnace is not less
23 than two hundred feet from the nearest residence not serviced by the
24 outdoor wood-burning furnace;

25 (B) Installation of the chimney of the outdoor wood-burning furnace
26 is at a height that is more than the height of the roof peaks of the
27 residences that are located within five hundred feet of the outdoor
28 wood-burning furnace, which residences are not serviced by the
29 outdoor wood-burning furnace, provided the chimney height is not
30 more than fifty-five feet;

31 (C) No other materials are burned in the outdoor wood-burning
32 furnace other than wood that has not been chemically treated; and

33 (D) Installation and operation of the outdoor wood-burning furnace
34 is in accordance with the manufacturer's written instructions, provided
35 such instructions do not conflict with the provisions of this section.

36 (c) (1) Every contract for the purchase of an outdoor wood-burning
37 furnace shall provide that such contract may be cancelled within three
38 business days after the date of receipt by the buyer of a copy of the
39 contract, by written notice delivered by certified or registered United
40 States mail to the seller or the seller's agent at an address which shall
41 be specified in the contract. Cancellation shall be without liability on
42 the part of the buyer, except for the fair market value of services
43 actually received, and the buyer shall be entitled to a refund of the
44 entire consideration paid for the contract, if any, less the fair market
45 value of the services already received. Such right of cancellation shall
46 not be affected by the terms of the contract and may not be waived or
47 otherwise surrendered.

48 (2) A copy of the contract shall be delivered to the buyer at the time
49 the contract is signed. All contracts shall (A) be in writing and signed
50 by the buyer, (B) designate the date on which the buyer actually signs

51 the contract, (C) identify the address of the location at which the buyer
52 entered into the contract, (D) include a provision advising the buyer to
53 contact the municipality where such buyer resides to ascertain whether
54 there is a local ordinance banning the installation of outdoor wood-
55 burning furnaces, and (E) contain a statement of the buyer's rights that
56 complies with the requirements of this subsection. Such statement
57 shall appear in the contract under the conspicuous caption: "BUYER'S
58 RIGHT TO CANCEL", and read as follows:

59 "If you wish to cancel this contract, you may cancel by mailing a
60 written notice by certified or registered mail to the address specified
61 below. The notice must say that you do not wish to be bound by this
62 contract and must be delivered or mailed before midnight of the third
63 business day after you sign this contract. The notice must be delivered
64 or mailed to:

65 (Seller's name)

66 (Seller's address)"

67 (3) The seller shall, at the time the contract is signed, provide an
68 informational sheet concerning the proper location and operation of
69 outdoor wood-burning furnaces, developed by the Commissioner of
70 Environmental Protection in consultation with the Commissioner of
71 Consumer Protection. The seller shall obtain the buyer's
72 acknowledgement of receipt, including date of receipt, of such
73 informational sheet on a form prescribed by the Commissioner of
74 Environmental Protection.

75 (4) If a seller materially violates the provisions of this subsection, the
76 buyer of an outdoor wood-burning furnace may cancel the contract not
77 later than three business days after the buyer has knowledge of such
78 violation.

79 (5) Any violation of this subsection shall be deemed an unfair or
80 deceptive trade practice under to subsection (a) of section 42-110b.

81 [(c)] (d) The provisions of this section shall be enforced by the
82 Commissioner of Environmental Protection and may be enforced by
83 the municipality affected by the operation or potential operation of an
84 outdoor wood-burning furnace.

85 [(d)] (e) Any person who operates an outdoor wood-burning
86 furnace in violation of this section shall be deemed to have committed
87 an infraction and shall be fined not more than ninety dollars. Each day
88 of operation of such outdoor wood-burning furnace in violation of this
89 section shall be a separate violation.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	22a-174k

ENV *Joint Favorable Subst.*