

VILLAGE OF ALMA CENTER ORDINANCE No. 2008-12-01

AN ORDINANCE REGULATING THE USE OF OUTDOOR FURNACES WITHIN THE VILLAGE LIMITS.

The Village Board of the Village of Alma Center, Jackson County, Wisconsin, do ordain as follows:

SECTION 1. REGULATION OF THE USE OF OUTDOOR WOOD FURNACES

(1) Purpose. The purpose of this section is to promote the health and safety of the citizens of the Village of Alma Center through the regulation of the use of outdoor wood furnaces (hereinafter referred to as OWFs).

(2) Definitions. The following definitions are applicable to this section:

- (a) Outdoor wood furnace: an outdoor wood furnace (OWF) is any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors, where the primary purpose of such equipment, device, appliance or apparatus is the combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. An OWF is intended to mean and include outdoor wood boilers and outdoor woodfired hydronic heaters. Any such device will be considered to be an OWF regardless of its commercial name or labeling. Likewise, any OWF placed in any shelter, building or other structure which is non-residential in nature shall continue to be defined as an OWF under this section.
- (b) Chimney: a flue or flues which carry off exhaust gases and particulate matter from an OWF firebox or burn chamber.
- (c) Existing OWF: an outdoor wood furnace which was purchased, installed and in operation prior to the effective date of this ordinance.
- (d) Natural wood: A wood or wood product which has not been painted, varnished, or coated with a similar material, has not been treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

(3) Prohibited Activity. No person shall engage in any of the following prohibited activities:

- (a) Operate an existing OWF without regard to the manufacturer's operating instructions or the recommended fuels.
- (b) Operate an existing OWF without complying with the setback requirements as set forth in Paragraph (4), below.
- (c) Burn in an existing OWF any fuel which is restricted by State Statutes, Administrative Rule or Order, or by any type of applicable regulatory agency. Such prohibited fuels include, but are not limited to, the following:
 - i. Wood which has been painted, varnished or coated with similar material or has been pressure treated with preservatives and contains resins or glues such as those contained in plywood or other composite wood products.
 - ii. Rubbish or garbage, including, but not limited to, food wastes, food packaging and food wrapping.
 - iii. Plastic material, including nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic film and plastic containers.
 - iv. Rubber, including tires, and other synthetic rubber-like products.
 - v. Newspapers, cardboard, container board, office paper or other materials which must be recycled in accordance with any State or local recycling laws ordinances or regulations, except as provided by law.
 - vi. Paper with ink or dye product content.
 - vii. Chemicals, commercial or business waste, waste oil or oily wastes except as are permitted under Chapter NR 590 of the Wisconsin Administrative Code.
 - viii. Animal carcasses, furniture, shingles, construction or demolition waste, debris and other forms of household or business waste.
- (d) Operate an existing OWF in violation of the required chimney height, as set forth in Paragraph (5), below.

(e) Operate an existing OWF without first having obtained a permit from the Village, as provided in Paragraph 6, below.

(4) Setback Requirements. Any OWF operated in the Village of Alma Center shall be subject to the following setback requirements:

- (a) All OWFs shall be at least 25 feet from the nearest property line.
- (b) AN OWF must be located upon the property in accordance with all manufacturer recommendations and further meet the requirements for the proximity distances to combustible materials.
- (c) An OWF must be at least 100 feet from any residence not served by the OWF.

(5) Chimney Height. The chimney of any OWF shall extend at least 2 feet above the peak height of any residence within 100 feet of the OWF which is not served by that OWF. If a new residence is constructed within 100 feet of an existing OWF, the owner of the OWF shall have 30 days from the occupation of the residence or the written notice from the Village to conform the chimney height to the requirement herein.

(6) Permit requirement. The owner or operator of any existing OWF shall apply for a permit to operate such OWF on an annual basis, commencing January 1, 2009. The Village shall, prior to the issuance of such permit, have an authorized agent of the Village inspect the premises and determine if the OWF is installed and would be operated in compliance with this section. If so, the owner or operator shall be issued a permit to operate the OWF from October 1 through April 30 of the following year. Such permit may be revoked or suspended by the Village Board at any time, upon satisfactory proof that the owner or operator has violated the provisions of this section, or has otherwise created a health risk or concern by the operation of the OWF.

(7) Termination of the Use. No person may use or operate an existing OWF under any of the following circumstances:

- (a) If the existing OWF is deemed a nuisance by the Village Board. In that case, the owner or operator will be given reasonable opportunity to repair the OWF in order to comply with all applicable regulations and this section of the Village Code. If the existing OWF can not be modified or repaired so as to be able to be operated without creating a nuisance, it shall be disabled and removed from the premises within 30 days after an order issued by the Village Board to do so.

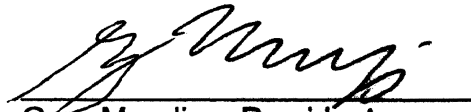
(8) Appeals. Any person affected by a determination of an agent of the Village regarding the use of operation of an existing OWF may appeal to the Village Board for relief from any act, decision or ruling of the agent by submitting a written appeal to said Board within 90 days from such act, decision or ruling.

(9) Penalty. Any person who violates any of the provisions of this section shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$250.00, along with the costs of prosecution, with the exception of a violation of Paragraph (6), operation of any OWF between May 1 and September 30, in which case the forfeiture shall be \$25.00, along with the costs of prosecution. Forfeitures for second and subsequent offenses shall be double that of the first offense.

SECTION 2. SEVERABILITY. If any part of this ordinance is for any reason to be found to be invalid or unconstitutional by reason of any decision by any court of competent jurisdiction, such decision shall not affect the validity of any other part of this ordinance.

SECTION 3. CONFLICTING ORDINANCES. All other ordinances or parts of ordinances of the Village of Alma Center inconsistent or in conflict herewith are hereby repealed.

Adopted at Regular Monthly meeting of the Village of Alma Center of Jackson County, Wisconsin, this 8th day of December, 2008.



Greg Mandigo, President
of Village of Alma Center

ATTESTED:

Jamet Stephens
Cheryl Treasures
Clerk/Secretary