

ORDINANCE 1-2006
SOLID FUEL-FIRED HEATING DEVICES
LOCAL ORDINANCE REGULATING THE USE OF SOLID FUEL-FIRED
OUTDOOR HEATING DEVICES WITHIN THE TOWN LIMITS OF THE
TOWN OF BLACK WOLF

The Town Board Supervisors of the Town of Black Wolf, Winnebago County, State of Wisconsin do hereby ordain:

SOLID FUEL-FIRED OUTDOOR HEATING DEVICES

(1) Definitions

Solid Fuel-Fired Outdoor Heating Device: Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of 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.

Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

(2) Regulations

a. All solid fuel-fired outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and regulations and all other applicable local, state and federal standards.

b. All solid fuel-fired outdoor heating devices shall be approved by the Department of Commerce through an approved testing agency.

c. All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device meets the EPA emission criteria identified in 40CFR Part 60 SupPart AAA, Section 6.532(b)(2).

d. All solid fuel-fired outdoor heating devices shall be provided with written documentation from the manufacturer that the device is or is in the process of being registered with the Wisconsin Department of Commerce Boiler Division.

e. All solid fuel-fired outdoor heating devices shall, in addition, be operated and maintained as follows:

1. Fuel shall only be natural untreated wood or other solid fuel specifically permitted by the manufacturer, such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.

The following fuels are prohibited, but not limited to:

- (a) Processed wood products other than wood.
- (b) Liquid fuel in any form.
- (c) Rubber
- (d) Plastic
- (e) Garbage
- (f) Painted wood or treated wood
- (g) Tires
- (h) Animal Waste
- (i) Coal
- (j) Any other items not specifically allowed by the manufacturer.

f. All solid fuel-fired outdoor heating devices may only be operated from November 1st through April 15th.

(3) A Solid Fuel-Fired Outdoor Heating Device may be installed in the Town of Black Wolf only if the following provisions are observed:

- a. The solid fuel-fired outdoor heating device shall be located at least five hundred one (501) feet from all exterior property lines.
- b. The solid fuel-fired outdoor heating devices shall have a chimney that extends at least fifteen (15) feet above the ground surface. If there are any occupied residences within 500 feet, the chimney shall also extend at least two (2) feet higher above the ground surface than the height of the roofs of any such residences. All chimneys greater than fifteen (15) feet in height above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with this increased chimney height and indicate how the chimney shall be supported.
- c. The owner of the solid fuel-fired outdoor heating device shall obtain an electrical permit and a HVAC permit from the Town of Black Wolf before installing a solid fuel-fired outdoor heating device.
- d. All solid fuel-fired outdoor heating devices must be installed by contractors appropriately registered or by an owner who is qualified to install the device in accordance with all codes and manufacturer's guidelines.
- e. The solid fuel-fired outdoor heating device can only be put on a parcel of land greater than twenty-three (23) acres. If the dimensions of said parcel are changed by splitting or selling off a portion of the property, the Town may require relocation or removal of said solid fuel-fired outdoor heating device.

(4) Nuisance: Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, and/or a safety or health issue to the surrounding neighborhood as determined by the building inspector and/or fire chief, the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance cannot be abated, then operation of the device shall be discontinued until a solution to the nuisance can be found.

(5) Right of Entry and Inspection: The building inspector or other Town agent, employee or representative who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special warrant may be obtained in accordance with Wis. Stat. Sec. 66.01109.

(6) Penalties: Any person, firm, corporation, business or entity who fails to comply with any provisions of this ordinance shall, upon conviction thereof, forfeit an amount set forth in Section 2.13 Penalties of the Town of Black Wolf Zoning Ordinance, plus the cost or prosecution for each violation; and, in default of payment of such forfeiture and cost shall be imprisoned in the county jail until payment thereof, but not exceeding thirty (30) days. Each day of violation shall represent a separate violation of the ordinance as described herein.

All ordinances or parts of ordinances, contradicting the provisions of this ordinance are hereby repealed.

This ordinance shall take effect and be in full force from and after its passage and publication or posting.

Date Introduced/Adopted: June 12, 2006
s/ Frank Frassetto, Town Chairman
Attest: s/ Ellen Chmielewski, Town Clerk