

Section

1. OUTDOOR WOOD FURNACES

17.0 OUTDOOR WOOD FURNACES (hereafter referred to as OWF)

LEGISLATIVE INTENT – Although OWF’s may provide an economic alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices. This local law is intended to ensure that OWF’s are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety, and general welfare of the residents of the Village of Lake Nebagamon.

17.1 DEFINITIONS

1. **OWF** - Any equipment, device or apparatus or any part thereof which is installed, affixed or situated outdoors for the primary purpose of fuel combustion to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. All OWF are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing.
2. **Stacks or Chimneys** - Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from an OWF; especially that part of such structures extending above a roof.
3. **Public Nuisance Ordinance 13.01** - For enforcement of this ordinance: it is defined as any dense smoke, noxious fumes, gas, soot, or cinders in unreasonable quantities as declared by a properly designated Village Zoning Administrator.
4. **Abate** - Law to put a stop to (suit or action), end (nuisance), etc; terminate.
5. **Correct** - To conform to a standard.
6. **Improve** - To raise to a better quality or condition; make better.

17.2 REGISTRATION & EXISTING OWF

1. The Village of Lake Nebagamon shall require a permit filed with the Village Clerk or Zoning Administrator for any OWF installed after the effective date of this section.
2. Any OWF in existence on the effective date of this ordinance shall be permitted to remain provided that the owner applies for and receives a permit from the Village Clerk or Zoning Administrator within one year of such effective date and does not create a public nuisance.
3. Upon complaint by a village resident and declared so by a follow-up inspection by the Village Zoning Administrator, the owner must correct the problem within 30 days of notice. Compliance may include provisions required within this ordinance.

17.3 REGULATIONS FOR OWF

In addition to the provisions of Section 17.4 of this ordinance, any OWF permitted under this ordinance which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding properties due to unforeseen conditions such as prevailing winds or make up of the terrain, etc. are subject to the following.

The owner or occupant shall be required to correct, improve or abate such conditions within 30 days of notice by the Village Police, Village Fire Chief, or their designees.

17.4 SPECIFIC REQUIREMENTS

1. OWF’s will be restricted to properties zoned R-2 and A-1.
2. The OWF shall be located at least 25 feet from adjoining property lines and at least 100 feet from any residence that is not served by the OWF.
3. Chimney heights for new and existing OWF’s are as follows:

- a. The chimney of any new OWF shall extend at least two (2) feet above the peak of any residence not served by the OWF located within 300 feet of such OWF.
 - b. If there is an existing OWF and there is new construction of a residence not served by the OWF within 300 feet of such OWF, the owner of such OWF shall conform to the chimney height requirements of this regulation within 30 days of the date such construction is complete.
 - c. All chimneys within 300 feet of a residence not served must be insulated to reduce smoke condensation and so constructed to withstand high winds or other related elements.
 - d. Any existing stack height or irregularly installed stack shall be replaced within 6 months from date of notice.
4. Permitted Fuel – Only seasoned/dry non-processed untreated wood is permitted to be burned in any OWF. Burning of any and other materials is prohibited except use of corn or wood pellets for fuel in high efficiency furnaces may be permitted.
 5. The OWF shall be located according to manufacturer's safety recommendations.

17.5 ENFORCEMENT AND PENALTIES

1. The Village Zoning Administrator and Police Chief are authorized to enforce the provisions of this ordinance.
2. Failure to comply with any provision of this ordinance shall be a violation and upon conviction, thereof, first offense shall be punishable by a forfeiture of not less than \$25.00 but not more than \$250.00 plus costs of prosecution. Penalties are doubled for second and subsequent offenses. Each day a violation occurs shall constitute a separate offense. The owner of the premises where violations occur shall be jointly and severally liable for the violation. In addition, any permit issued pursuant to this ordinance shall be revoked upon conviction of a second offense and the subject OWF shall not be eligible for another permit. A violation of this ordinance is hereby declared to be a public nuisance which may be enforced through injunctive or abatement proceedings or other applicable remedies as allowed by law, which shall be in addition to such other penalties and remedies as referenced above.
3. In the event the Village finds that burning has been conducted in violation of this ordinance, removal of the OWF may be required.
4. First offense shall be \$100.00, second and subsequent offenses are \$200.00

17.6 RIGHT OF ENTRY

The Village Zoning Administrator and/or Police Chief or authorized agent of the Village may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

17.7 SEPARABILITY

The invalidity of any word, clause, sentence, paragraph or provision of this ordinance shall not invalidate any other clause, sentence, paragraph or part thereof.

17.8 EFFECTIVE DATE

This ordinance shall take effect and be in force after passage and publication, as provided by law. In the event the Federal EPA or the State of Wisconsin sets more restrictive emission standards for OWF and the new standards result in stoves which are compatible within residential communities this ordinance can be amended. Passed and adopted this 10th day of March, 2009.