

Ordinance 2007-8

**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 KNOWLTON.**

The Town Board of the Town Of Knowlton, Marathon County, State of Wisconsin do hereby ordain as follows:

SECTION 1

The Town of Knowlton Ordinance Entitled Solid Fuel-Fired Heating Devices Local Ordinance Regulating the use of Solid Fuel-fired Outdoor Heating which transmit smoke (smokeless systems are excluded) within the Town Limits of the Town of Knowlton, is hereby created as follows:

A. SOLID FUEL-FIRED HEATING DEVICES

1. DEFINITIONS

- a. **Solid fuel-Fired Heating Devices:** 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.
- b. **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 structures extending above a roof.

B. REGULATIONS FOR SOLID FUEL-FIRED HEATING DEVICES

1. Notwithstanding the provisions of Subsection 2 of this ordinance, any solid fuel devices permitted under this ordinance which becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve or abate such conditions.

C. SUBSTANTIVE REQUIREMENTS

All outdoor devices shall be installed, operated and maintained pursuant to the following conditions:

1. **Fuel:** Fuel shall be only corn, natural wood or wood specifically permitted by the manufacturer. The following fuels are **strictly prohibited:**
 - a. The burning of processed wood products and other non-wood products.
 - b. Petroleum, Kerosene & Gasoline Products
 - c. Rubber
 - d. Plastics
 - e. Garbage and/or Trash
 - f. Leaves
 - g. Paper Products or Cardboard
 - h. Painted wood or Treated wood
 - i. Any other items not specifically allowed by the manufacturer or this provision.

D. OUTDOOR SOLID FUEL-FIRED HEATING DEVICE PROVISION

1. An outdoor solid fuel-fired heating device may be used in the Town of Knowlton only in accordance with the following provisions:
 - a. The outdoor solid fuel-fired heating device shall not be used to burn any of the prohibited materials listed in Section 1 (C) of this ordinance.
 - b. The outdoor solid fuel-fired heating device shall be located at least 50 feet from the property line. When placed on two (2) acres or less, the property owner shall locate all corner markers for the Town.
 - c. If the outdoor solid fuel-fired heating device produces continuous smoke while in use, it shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 200 feet, the chimney shall also extend at least as high as the highest point of the roofs of all such residences. All stacks shall be equipped with a cap having a spark arrester.
 - d. The owner of the outdoor solid fuel-fired heating device shall obtain a building permit from the Town of Knowlton before installing the outdoor wood furnace. Such permit can be obtained from the Town of Knowlton Building Inspector upon payment of the fee. The building Inspector may issue the permit upon finding that the outdoor solid fuel-fired heating device will be located, constructed, and in compliance with the requirements of this Ordinance.

E. EXISTING OUTDOOR SOLID FUEL-FIRED HEATING DEVICES

All existing units shall immediately comply with all manufacturer's specifications and specifications of this ordinance and all must comply with all other building code requirements within 90 days from the effective date of this ordinance. All existing nonconforming devices upon the complaint of a Town resident or Town Official shall be removed, replaced, or modified to meet the requirements of this ordinance within 45 days of notification of noncompliance from the Town Building Inspector, Fire Department, or other Town officer or agent.

F. PERMITS

No person shall allow, maintain or use an outdoor wood furnace in the Town of Knowlton without first having obtained a permit from the Town of Knowlton Building Inspector on the forms prescribed by such official, except an outdoor solid fuel-fired heating device installed prior to the enactment of this ordinance.

G. ENFORCEMENT AND PENALTIES

1. The Fire Chief, Town of Knowlton Building Inspector and Town of Knowlton Officials are authorized to enforce the provisions of this ordinance.
2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25 or more than \$250 per day plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.
3. Outdoor solid fuel-fired heating device permits may be revoked by the Town of Knowlton if the Building Inspector or Town Officials finds that burning has been conducted in violation of this ordinance.

4. A violation of this ordinance is hereby declared to be public nuisance which may be enforced through injunction or abatement proceedings or other applicable remedies as allowed by law, which shall be in addition to such other penalties and remedies as may apply.

H. RIGHT OF ENTRY AND INSPECTION

1. The Fire Chief or any authorized officer, agent, employee or representative of the Town of Knowlton who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

I. SPECIAL EXCEPTION

1. Where the Town finds that extraordinary hardship will occur from the enforcement of this local ordinance, upon application to the Town Board, said Town Board may vary the regulations contained herein to afford substantial justice, provided that such special exception will not have the effect of nullifying the intent and purpose of this ordinance.

J. PROPERTY OWNER'S ASSUMPTION OF ALL RISKS

Persons responsible for lighting fires in the Town of Knowlton assume all risks associated with such fire. Compliance with the requirements of this ordinance shall not relieve such person from the ultimate responsibility to ensure that the fire is conducted safely and appropriately with due regard for the health safety and welfare of all persons and property potentially affected by the fire.

SECTION 2

SEVERABILITY

If any provisions of this local ordinance are held to be unconstitutional or other wise invalid by any court of competent jurisdiction, the remaining provisions of this local ordinance shall remain in effect.

SECTION 3

EFFECTIVE DATE

This ordinance shall take effect immediately upon passage and posting of publication as provided by law.

Dated this _____ day of _____ 2007.

Town Of Knowlton

_____ Chairmen

_____ Supervisor

_____ Supervisor

ATTEST:

Sandy Morris, Town Clerk

Published or posted on the _____ day of _____ 2007.

