

TOWN OF ALBION
ORDINANCE # 09-01

ORDINANCE TO REGULATE THE INSTALLATION AND
USE OF OUTDOOR HEATING DEVICES

Section 1. Purpose

Although outdoor heating devices may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This local law is intended to ensure that an outdoor heating device 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 Town.

Section II. Definitions

- (1) Outdoor Heating Device shall mean, but is not limited to, any device, appliance, equipment apparatus or structure that is designed, intended and or used to provide heat and or hot water to any associated structure, that operates by burning wood or any other solid fuel, including, but not limited to paper pellets and agriculture products, is not located within the structure to be heated, and includes, but not limited to, devices, referred to as wood furnaces, outdoor boilers and outdoor stoves.
- (2) Chimney” means a vertical structure or stack enclosing a flue or flues that carry off smoke or exhaust from an Outdoor Heating Device.

Section III. Regulations

- (1) All outdoor heating devices shall be installed, operated and maintained in strict conformance with the manufacture’s instructions and regulations and all other applicable local, state and federal standards.
- (2) All 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).
- (3) All outdoor heating devices shall, in addition, be operated and maintained as follows:
 1. Fuel shall be only 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:

- (a) Processed wood products and any non-wood products
- (b) Petroleum in any form
- (c) Rubber
- (d) Plastic
- (e) Garbage
- (f) Painted wood or treated wood
- (g) Any other items not specifically allowed by the manufacturer

(3) Chimney heights and device location:

- (a) 25' from nearest side or rear property line
- (b) 2' above the highest eave line of the nearest residence with 75' of the device, on an adjacent property.
- (c) All chimneys greater than 15 feet in height above the ground shall be provided with documentation from the manufacturer specifying that the outdoor heating device will function with this increased chimney height and how the chimney shall be supported.

(4) All outdoor heating devices must be installed in accordance with all Town codes and manufacturer's guidelines. This includes any units that are being updated or refurbished.

Section IV. Nuisances

Should any outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood as determined by the constable, and/or fire chief, then the owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this Section. If the nuisance can not be abated then operation of the device shall be discontinued until a solution to the nuisance can be found. The Town Board shall make a final determination as to whether the device shall be allowed, removed replaced or modified to meet the requirements of this ordinance. If the determination is made that the device must be removed, replaced or modified, the owner shall have 45 days from notification to rectify the situation as specified by the Town Board. This notification shall be delivered by the Town Clerk, Town Constable or other Town officer.

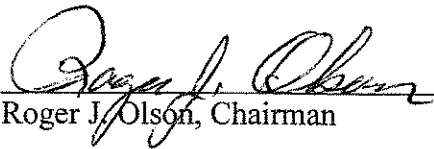
Section V. Exceptions

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

Section VI. Violations and penalties

Failure to comply with the provisions of this ordinance, shall, upon conviction, pay a forfeiture of not less than \$100 nor more than \$250.00, plus the applicable surcharges, assessments, and cost for each violation. Each day a violation exists or continues shall be considered a separate offense under this ordinance.

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



Roger J. Olson, Chairman

ATTEST:


Julie Hanewall, Clerk

ADOPTED:

Supervisor, Bob Venske introduced the above Ordinance and moved its passage.
Seconded by Bruce Hudson

Roll Call 4 Yes 0 No

Copies of this Ordinance may be obtained at the clerks office located at 624 Albion Road, Edgerton, WI 53534, Monday through Friday, 8:00 a.m. to 1:00 p.m.