

TOWN OF FREEDOM

ORDINANCE NO. 06-01

AN ORDINANCE REGULATING SOLID FUEL-FIRED OUTDOOR HEATING DEVICES, WOOD STOVES, FURNACES AND BOILERS

The Town Board of the Town of Freedom, Outagamie County, Wisconsin, do ordain as follows:

Section 1 Definitions.

- (a) Outdoor Solid Fuel-fired 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 the interior space or water source.
- (b) Stacks or Chimneys. Defined as any vertical structure enclosing a flue or flues that carry off smoke, exhaust or exhaust gases from a solid fuel-fired heating device; especially that part of such structure extending above a roof.

Section 2 Operation of Outdoor Solid Fuel-Fired Heating Devices Prohibited. No person shall build, maintain, or allow to be operated or maintained on a premises controlled by them any outdoor solid fuel-fired heating device or other similar appliance unless permitted and approved by the Town of Freedom or their duly authorized representatives.

Section 3 Required Permits.

- (a) Installation Permit. No person shall have installed after the effective date of this ordinance an outdoor solid fuel-fired heating device without first obtaining an installation permit from the Building Inspector. Such installation shall be subject to the requirements and provisions as set forth in this sub-section and any requirements and provisions of the Town Building Code, County Ordinance, State Statute or Administrative Rule.
- (b) Installation Permit for Existing Outdoor Solid Fuel-Fired Heating Devices. An installation permit will be issued to the owners of existing outdoor solid fuel-fired heating devices installed before the effective date of this ordinance upon satisfactory inspection and certification that the devices meet the requirements herein set forth under Section 4 *Regulations* and Section 5 *Installation Requirements*. Reference the Town of Freedom Fee Schedule for a list of Permits and Fees.
- (c) Failure to comply with the aforementioned requirements shall result in the denial of the permit. Use of an existing outdoor solid fuel-fired heating device without a permit shall be deemed a violation of this ordinance. Reference the Town of Freedom Fee Schedule for a list of Penalties for non-compliance.

Section 4 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, Best Practices Within the Industry, 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 all applicable EPA or state emission criteria.
- (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 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 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 other than wood
    - 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

(f) All solid fuel-fired outdoor heating devices shall only be operated from September 1<sup>st</sup> through May 31<sup>st</sup>.

Section 5 Installation Requirements. A Solid Fuel-Fired Outdoor Heating device may be installed in the Town of Freedom in accordance with the following provisions:

- (a) The solid fuel-fired outdoor heating device shall be located at least one hundred (100) feet from all exterior property lines.
- (b) No solid fuel-fired outdoor heating device shall be located in a front or corner yard.
- (c) The solid fuel-fired outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within one hundred fifty (150) feet, the chimney shall also extend at least two (2) feet higher above the ground surface than the height of the roofs of all such residences. All chimneys greater than 15 feet above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with the increased chimney height and how the chimney shall be supported.
- (d) All solid fuel-fired outdoor heating devices must be installed by contractors appropriately registered or by the owner occupied dwelling that are qualified to install the device in accordance with all codes and manufacturer's guidelines.

Section 6 Right of Entry and Inspection.

- (a) The Freedom Police Department or other authorized representatives of the Town of Freedom who presents credentials may inspect or cause to be inspected any property for the purposes of ascertaining compliance with the provisions of this ordinance.
- (b) Special Exception. 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 Section.
- (c) Any special exceptions are not binding on previous or subsequent installations.

Section 7 Nuisance. Should any solid fuel-fired outdoor heating device permitted under this ordinance become hazardous, harmful, noxious, offensive or a nuisance to the surrounding area so that it substantially interferes with the comfortable enjoyment of life, health, or safety of another person or the public, said device may be declared a nuisance by the Police Department or other duly authorized Town representative. Reference the Town of Freedom Ordinances for the definition of nuisance. The owner shall correct, improve or abate the nuisance using whatever means are necessary in accordance with this sub-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.

Section 8 Existing Outdoor Solid Fuel-Fired Heating Devices. All existing outdoor solid fuel-fired heating devices shall immediately comply with all manufacturers' specifications, specifications of this ordinance and any other building code requirements within sixty (60) days from the effective date of this ordinance. See Section 3 (b) for additional information on usage permits.

Section 9 Abandonment and Discontinuance. Any outdoor solid fuel-fired heating device permitted under this ordinance which is abandoned or not used for a period of twelve (12) consecutive months shall not be permitted to be re-established and shall be removed by the property owner from the subject premises.

Section 10 Penalties. Reference the Town of Freedom Fee Schedule for a list of Penalties for non-compliance.

Section 11 Property Owner's Assumption of All Risks. Any person responsible for lighting fires in the Town of Freedom shall 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.