

CHAPTER 10
REGULATE THE INSTALLATION AND USE OF OUTDOOR FURNACES

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The Board of the Town of Spring Green, Sauk County, Wisconsin, does hereby ordain as follows:

10.10 Purpose. It is the purpose of this ordinance to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the Town of Spring Green for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the Town and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning by such furnaces create noxious and hazardous smoke, soot, fumes, odors, air pollution, particles, and other products of combustion that can be detrimental to citizens health, and can deprive neighboring residents of the enjoyment of their property or premises.

10.20 Definition. Outdoor furnace 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 fuel, including, but not limited to, paper pellets and agricultural products, is not located within the structure to be heated, and includes, but is not limited to, devices referred to as wood furnaces, outdoor boilers and outdoor stoves.

10.30 Permits.

- (1) No person shall install, use, replace, or maintain an outdoor furnace in the Town of Spring Green without a permit issued by the Building Inspector. The fee shall be set by the Town Board. The applicant shall submit an application for an outdoor furnace to the Town Clerk on a form prepared by the Town Building Inspector. Upon review of the application and approval by the Building Inspector, the Building Inspector shall issue a permit.
- (2) Outdoor furnaces installed before the date this ordinance is enacted will be issued a permit at no charge upon application. Property owners with existing outdoor furnaces will have 60 days from the date of enactment of the ordinance to obtain a permit. Property owners with existing outdoor furnaces whose outdoor furnaces are not permitted on or before the expiration of the 60 days will be subject to enforcement and penalties as provided in this ordinance. Any replacement of an outdoor furnace that

was installed before the enactment date of this ordinance must comply with all provisions of this ordinance.

10.40 Regulations.

- (1) Outdoor furnaces shall be placed at least fifty (50) feet from the back lot line and at least seventy-five (75) feet from side yard lot line of said subject property.
- (2) Outdoor furnaces installed at the time of the enactment of this ordinance, do not need to comply with setback provisions contained in number 1 of this section, however, any replacement of such an outdoor furnace will have to comply with the provisions contained in number 1 of this section.
- (3) An outdoor furnace located within two hundred (200) feet of a structure on another property shall have a chimney which shall be at least fourteen (14) feet high as measured from the base of the outdoor furnace to the top of the chimney. The base of the unit is the pad or area on which the outdoor furnace is placed. If a structure is built on another property within two hundred (200) feet of the outdoor furnace after the outdoor furnace is permitted, the permit will be revoked unless the chimney is at least fourteen (14) feet in height measured from the base of the unit.
- (4) An area of twenty (20) feet around the outdoor furnace structure shall be free of vegetation, except grass not exceeding four (4) inches in length.
- (5) No fuel other than: (a) natural wood, (b) wood pellets, and (c) agricultural seeds that are not chemically treated and are without additives or in their natural state, may be burned. Owners using natural wood should season or age the wood for at least one (1) year.
- (6) Outdoor furnaces shall not be used to burn any of the prohibited materials listed in Section V.
- (7) Outdoor furnaces and associated installation shall be subject to inspection by the Building Inspector at any reasonable time to assure compliance with the terms hereof.
- (8) Those applying for an outdoor furnace shall provide the following information:
 - (a) A drawing identifying all of the information necessary to assure compliance herewith, including, but not limited to, distance to property boundaries and adjoining owners structures, if any are present and heights of all buildings or structures within two hundred (200) feet of the proposed location of the outdoor furnace.

- (b) The property owner shall accurately mark the property lines for inspection by the Building Inspector.
- (c) Manufacturer's specifications for the outdoor furnace.
- (9) All outdoor furnaces shall comply with all applicable State and Federal statutes, including any Federal or State guidelines adopted after the enactment of this ordinance.
- (10) Nothing contained in this ordinance shall authorize any installation that is a public or private nuisance, regardless of compliance herewith.
- (11) This ordinance shall not constitute a defense to any civil claims.

10.50 Materials that may not be Burned. The following materials may not be burned in outdoor furnaces unless a specific written approval has been obtained from the Department of Natural Resources and the Town Board:

- (1) Coal.
- (2) Petroleum products.
- (3) Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.
- (4) All chemicals and asbestos.
- (5) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Wisconsin Administrative Code.
- (6) Treated or painted wood including, but not limited to, plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- (7) Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (8) Rubber including tires and synthetic rubber-like products.
- (9) Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled.

- (10) Any and all chemically treated agriculture seeds.

10.60 Notice and Forfeitures. The Town, or its designee, shall provide written notice, by regular mail, of a violation of this chapter and setting forth, if applicable, the time in which the violator shall have to come into compliance with the terms of this chapter. Any person that fails to comply with the provisions of this chapter shall pay a forfeiture, as set forth in Chapter 1, Appendix A of the Town of Spring Green Code of Ordinances, plus all applicable surcharges, assessments and costs for each violation, including attorney fees if recoverable. Each day a violation exists or continues, constitutes a separate offense under this chapter. In addition, the Town may seek injunctive relief from a court to enjoin further violations.