

TOWN OF MORRISON
ORDINANCE 08-0204

XXV OUTDOOR WOOD-FIRED FURNACES

A. APPLICABILITY

This ordinance is entitled outdoor wood-fired furnaces within the Town of Morrison, Brown County, Wisconsin.

B. PURPOSE

The Town of Morrison determines that the unregulated use of outdoor furnaces may pose a health risk to Town residents and acknowledges that such use may create a nuisance relative to the smoke emitted from said furnaces. As such, the Morrison Town Board believes that local regulation of outdoor furnaces is in the Town's best interest. The Town is concerned with the public health, safety, and welfare of its residents in this regard.

The Town Board realizes in 2008, with the rise in price of fossil fuels, alternative renewable sources of fuel to heat residences and other buildings have and will increase. This ordinance will not and is not put in place to discourage the use of alternative renewable sources of fuel. The sole purpose of this ordinance is to protect health and safety and prevent nuisance of people receiving or not receiving benefit from burning renewable energy sources.

C. DEFINITIONS

- a. Outdoor Furnace: This means 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. Clean Wood: This means any wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

D. REGULATORY FRAMEWORK

- a. Outdoor Wood-Fired furnaces may be installed in areas zoned A1, A2, EA, B1, and C1 with an approved building permit issued by the Town of Morrison.
- b. Outdoor Wood-Fired furnaces may be installed in areas zoned R or ER only with an approved conditional use permit and approved building permit from the Town of Morrison.
- c. The outdoor-fired furnace shall be located at least 25 feet from the nearest property line and at least 50 feet from the nearest residence, which is not served by the furnace.

d. The chimney height shall be determined by the distance from the nearest residence not served by the furnace as follows.

i. 50 to 100 feet: Height of the eve line of the residence not served plus 2 feet.

ii. 100 to 250 feet: 75 percent of the eve line plus 2 feet.

iii. 250 feet or more: Minimum of manufacturer's recommendation.

The Plan Commission, upon recommendation from the Zoning Administrator, may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

e. The outdoor wood-fired furnace shall comply with all applicable laws including, but not limited to county or Town ordinances that prohibit creating a human health hazard or a public nuisance.

f. Only clean wood may be used in the furnace.

g. The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials in section E.

h. The outdoor furnace shall meet all emission standards required by the Environmental Protection Agency (EPA) and the Underwriter's Laboratory (UL) listing. This documentation must be provided at the time the building permit is applied for.

E. MATERIALS THAT MAY NOT BE BURNED

Unless specific written approval has been obtained from the Morrison Town Board, the following materials may not be burned:

a. Rubbish or garbage or garbage including but not limited to food waste, food scraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

b. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions on Chapter NR 590, Wisconsin Administrative Code.

c. Asphalt and products containing asphalt.

d. 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.

e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene, or urethane foam, and synthetic fabrics, plastic films and plastic containers.

f. Rubber including tires and synthetic rubber-like products.

g. Paper and cardboard products may only be used as a starter fuel.

h. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

F. PERMITTING PROCESS

- a. An application for a wood-fired furnace may be obtained from the Zoning Administrator. The application shall include the following information.
 - i. Name and address of applicant and property owner.
 - ii. Legal description of the property.
 - iii. A sketch of the dimensions of the property, including location of buildings and the wood-fired furnace relative to the lot lines and distances from residences on adjacent properties.
 - iv. A copy of the manufacturer's Burning Instructions.
- b. The Zoning Administrator will review the application and verify zoning. Upon verification of zoning, the Zoning Administrator will either issue the building permit or forward the application to the Plan Commission.
- c. If the application is forwarded to the Plan Commission, the following procedure will be followed:
 - i. A fee for the conditional use permit request will be submitted to the Zoning Administrator.
 - ii. A meeting with the Plan Commission will be set to review the request for a conditional use permit.
 - iii. The Plan Commission will make a recommendation to the Morrison Town Board for approval or disapproval of the conditional use request.
 - iv. The Town Board will review the request and make a decision to grant or deny the conditional use request.

G. RIGHT OF ENTRY AND INSPECTION

- a. Any member of the Morrison Town Board may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with section 66.0119, Wis. Stats.

H. EXISTING NON-CONFORMING OUTDOOR WOOD-FIRED FURNACES.

The lawful use of a non-conforming outdoor wood-fired furnace existing at the time of the adoption or amendment of this ordinance may be continued although such furnace does not conform to the provisions of this ordinance. However, the use of a non-conforming outdoor wood-fired furnace shall not be a public nuisance or cause a human health hazard.. Existing outdoor wood-fired furnaces must follow manufacturers guidelines.

I. ENFORCEMENT AND PENALTIES

- a. The Morrison Town Board is authorized to enforce the provisions of this ordinance.
- b. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25 or more than \$250 plus costs of prosecution. Penalties are doubled for second and subsequent offenses. Each day a violation exists shall be considered as a separate violation.

J. SEVERABILITY

- a. If any provision of this ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable.

K. EFFECTIVE DATE

- a. Following the adoption of the ordinance by the Town Board, this Ordinance shall take effect the day after the date of publication or posting as required by s. 60.80, Wis. Stat.

Approved 10/14/08

TOWN OF MORRISON

Dated: 10-21-08

By: [Signature]
Chairman

Attest: [Signature]
Town Clerk