

Town of Burns
ORDINANCE #1 10-10-2006

An Ordinance To Regulate "OUTDOOR WOOD-FIRED FURNACES"
In The Town Of Burns, La Crosse County, Wisconsin.

The Town Board of Burns does ordain as follows:

Section 1. OUTDOOR WOOD-FIRED FURNACES.

(1) **PURPOSE.** This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Burns due to the emissions from outdoor wood-fired furnaces.

(2) **APPLICABILITY.** This ordinance applies to all outdoor wood-fired furnaces within the Town of Burns installed or replaced after adoption of this ordinance.

(3) **DEFINITIONS.**

(a) "Clean Wood" means natural 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.

(b) "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building. Such furnace shall be U.L. Listed or equivalent certification by a third party organization.

(c) "Refuse" means any waste material except clean wood.

(4) **INSTALLATION AND USE OF OUTDOOR WOOD-FIRED FURNACES.**

(a) On land zoned Exclusive Agriculture or Agricultural District "A", the outdoor wood-fired furnace shall be installed no closer than 100 feet from an adjacent property line provided there is a residence present and there are no valid written objections from adjoining landowners with a residence. On land zoned Residential and in the Mobile Home Court; the outdoor wood-fired furnace shall be installed as far from the property line as practicable, provided there are no valid written objections from adjoining landowners with a residence. Options of requiring a smoke stack to the height of the eaves of the building it serves, or other modifications to reduce potential operational problems may be required by the town. For lands that are zoned Commercial or Industrial, the owners shall present plans to the Town Board who shall make the decision based upon the public health, safety, and welfare.

(b) If the outdoor wood-fired furnace is located within a permitted accessory building and vented in a conventional manner, this ordinance does not apply.

(c) Only clean wood, paper and cardboard, and bio-fuels (i.e. corn etc.) may be used in the furnace.

(d) An owner wanting to install an outdoor wood-fired furnace shall obtain approval from the Town board prior to installation. The Town board has the right to look at each situation individually on a case by case basis and base approval on the public health, safety, and welfare. Pre-existing out-door wood burners are addressed in (6).

(5) **RIGHT OF ENTRY AND INSPECTION.** An officer, agent, employee or representative of the Town of Burns, who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance provided a written complaint is on file with the Town and court permission has been granted.

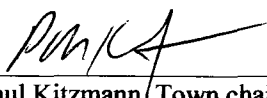
(6) **EXISTING NONCONFORMING OUTDOOR WOOD-FIRED FURNACES.** The lawful use of a nonconforming outdoor wood-fired furnace existing at the time of the adoption or amendment of this ordinance may be continued and/or replaced although such furnace does not conform to the provisions of this ordinance. However, the use of a nonconforming outdoor wood-fired furnace shall not be a public nuisance or cause a human health hazard prohibited by sections 10.01, 10.02, or 11.29 of the General Code of La Crosse County.

(7) ENFORCEMENT AND PENALTIES.

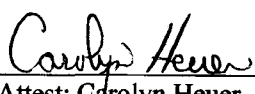
(a) The County Sheriff's Department is authorized to enforce the provisions of this ordinance.

(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 cost of prosecution. Penalties are doubled for second and subsequent offenses.

Section 2. This Ordinance shall take effect the day after passage and publication/posting.



Paul Kitzmann, Town chairman



Attest: Carolyn Heuer, clerk

Passed: 3-0

Published/Posted: