

**Solid Fuel Heating Device Ordinance for the Town of Roxbury, Wisconsin.**

**Ordinance No. 2008-01**

**SECTION 1: Purpose & Authority**

This ordinance is enacted pursuant to the authority contained in Wis. Stats. sec. 60.555 regarding the regulation of fire hazards. It is intended to promote the general public health, safety and welfare, and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Roxbury due to the air pollution and fire hazards of open burning.

**SECTION 2: Definitions.** As used in this Ordinance, the following terms shall have the meanings indicated:

- A. **SOLID FUEL-FIRED HEATING DEVICE** — Any equipment, device or apparatus, or any part thereof, which is installed, located 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. **STACKS OR CHIMNEYS** — Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired heating devices; especially the part of such structures extending above a roof.

**SECTION 3: Solid Fuel Fired-Heating Devices.** Solid fuel-fired heating devices are subject to the following conditions and restrictions:

- A. Solid fuel-fired heating devices are prohibited in all platted subdivisions and prohibited in all of the following zoning districts: R1, R1A, R2, R3, R3A, R4, RE-1, B-1, C-1, C-2, LC-1, EXP-1, CO-1.
- B. Solid fuel-fired heating devices are allowed in the A1, A-1Ex, A-B, A-2, A-3, RH-1, RH-2, RH-3, and RH-4 zoning districts, except that if a lot or parcel with said zoning is located in a platted subdivision, the solid fuel-fired heating device will be prohibited.
- C. All solid fuel-fired heating devices installed within the Town limits are required to meet emission standards currently required by the Environmental Protection Agency and the Department of Natural Resources.
- D. All solid fuel-fired heating devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict between the two, the strictest regulations or instructions shall apply.
- E. Fuel for solid fuel-fired heating devices shall be manufacturer approved pellets, natural

untreated wood or wood specifically permitted by the manufacturer. The following fuels are strictly prohibited:

1. The burning of processed wood products and other non-wood products.
  2. Kerosene
  3. Garbage
  4. Painted wood or treated wood
  5. Any other items not specifically allowed by the manufacturer or this provision.
- F. The chimney height and fuel device location for solid fuel-fired heating devices shall:
1. Be 25 feet from nearest side or rear property line,
  2. Be 100 feet from any road or from any structure on a neighboring property;
  3. Be 25 feet from any structure;
  4. Have a 15 foot minimum chimney height;
  5. Be 2 feet above the highest eave line of any building within 100 feet; and
  6. Be supported to withstand winds up to 90 miles per hour.
- G. Where the Town finds that extraordinary hardship will occur from the enforcement of these solid fuel-fired heating device regulations, upon application to the Town Board, said Town Board may vary the regulations contained herein to afford substantial justice, provided that such variation will not have the effect of nullifying the intent and purpose of this local ordinance.

**SECTION 4: Permit Required; fee.** All solid fuel-fired heating devices shall be required to obtain a permit from the Town prior to being operated. The permit shall be obtained from the Town Clerk. The permit application shall include the name of person requesting the permit, date, address, and description of solid fuel-fired heating device including make, model and fuel source. The permit fee shall be as set by resolution of the Town Board. The permit shall be issued after the solid fuel-fired heating device has been inspected by the Town Building Inspector for compliance with the requirements of this ordinance. No person shall allow, maintain or use a solid fuel-fired heating device in the Town without first having obtained a permit from the Building Inspector.

**SECTION 5: Existing Solid Fuel-fired Heating Devices.** All existing solid fuel-fired heating devices shall immediately comply with any and all manufacturer's specifications and meet all ordinance requirements within sixty (60) days from effective date of this ordinance. All existing nonconforming devices upon the complaint of a resident shall be removed, replaced, or modified to meet the requirements of this ordinance within sixty (60) days of notification of noncompliance from the Town.

**SECTION 6: Enforcement.** The Fire Chief, Building Inspector and police or peace officers shall be authorized to enforce the provisions of this ordinance.

**ORDINANCE OF THE TOWN OF ROXBURY, DANE COUNTY WISCONSIN**

**Title: Outdoor Solid fuel Heating Device Ordinance**

Ordinance Identification Number	<u>2008-01</u>
Code Section(s) created, <del>amended</del> , or repealed	<u>                    </u>
Presented to Board by	<u>Town Attorney</u>
Date(s) Public Hearing(s) held (if required)	<u>                    </u>
Date adopted	<u>                    </u>
Vote	<u>                    </u>
Date of publication of adoption of ordinance	<u>                    </u>

NOW THEREFORE, the Town of Roxbury does ordain that the attached *Solid Fuel Heating Device Ordinance for the Town of Roxbury, Wisconsin*, which is fully incorporated herein by reference, is hereby adopted and enacted in the Town of Roxbury, and the Board hereby further directs publication or posting as appropriate.

Ervin Breunig  
Ervin Breunig, Town Chair

ATTEST:  
Bob Pings  
Bob Pings, Town Clerk