

ORDINANCE NO. OR06-15

**AN ORDINANCE AMENDING THE MUNICIPAL CODE
CHAPTER 14, BUILDINGS AND BUILDING REGULATIONS,
ARTICLE II., ADMINISTRATION AND ENFORCEMENT
DIVISION 3, PERMITS AND PLANS,
SECTION 14-126, OUTDOOR SOLID FUEL FIRED HEATING DEVICES
IN THE CITY OF BRILLION, CALUMET COUNTY, WISCONSIN**

The Common Council of the City of Brillion do ordain as follows:

SECTION 1. Chapter 14, Buildings and Building Regulations, Article II, Administration and Enforcement, Division 3, Permits and Plans, Section 14-126, Outdoor Solid Fuel Fired Heating Devices are hereby repealed and recreated as follows:

Sec. 14-126 Outdoor Solid Fuel Fired Heating Devices.

- (a) Definition. An “Outdoor Solid Fuel Fired Heating Device” shall mean a free standing solid fuel unit or device designated for solid fuel combustion that;
1. Is intended and/or used to provide useable heat and/or hot water to any associated structure.
 2. Operates by burning wood or any other solid fuel including but not limited to: coal, paper pellets, and agricultural products.
 3. Is not located within a building intended for habitation by humans or domestic animals and the structure to be heated.
 4. Includes, but not limited to, devices referred to as outdoor furnaces, outdoor boilers, and outdoor stoves.
- (b) An outdoor solid fuel fired heating device may be installed and used in the City of Brillion only in accordance with the following provisions:
1. Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an incinerator, furnace, stove or any other indoor or outdoor incineration or heating device. The City of Brillion will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.
 - a. 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.
 - b. 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.
 - 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 container.
 - f. Rubber including tires and synthetic rubber-like products.
 - g. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided below in paragraphs (i) and (ii);
 - i. Paper and cardboard products may be used as a starter fuel.

- ii. 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.
- h. Must meet EPA air standards.
- 2. The outdoor solid fuel fired heating device shall be located at least 100 feet from the nearest building which is not on the same property as the device.
- 3. The outdoor solid fuel fired heating device shall have a chimney that extends at least 15 feet above the ground surface. The Building Inspector 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 form neighbors.
- 4. The outdoor solid fuel fired heating device shall follow the minimum setbacks of the applicable zoning district.
- 5. Outdoor solid fuel fired heating devices shall be operated only between October 1st and April 30th.

(c) Existing nonconforming outdoor solid fuel fired heating devices. The lawful use of a nonconforming outdoor solid fuel fired heating device existing a the time of the adoption or amendment of this ordinance may be continued although such device does not conform to the provisions of this ordinance. However, the use of a nonconforming outdoor solid fuel fired heating device shall not be a public nuisance as prohibited by Sec. 70-12 (5) of the Brillion Municipal Code.

(d) All outdoor solid fuel fired heating devices are considered an accessory structure and require a building permit.

SECTION II: This ordinance shall take effect upon passage and publication as required by law.

Ordinance Number OR06-15 introduced and its adoption moved by Alderperson Unbehaun; and seconded by Alderperson Nies.

Upon a pole vote thereon, the result was as follows:

 9 Votes Cast
 9 Votes Yes
 0 Votes No

The Mayor declared Ordinance Number OR06-15 adopted, approved and signed the same this 27th day of November, 2006.

 Gerald Sonnabend
 Mayor

Attested:

 Lori M. Gosz, CMC
 City Administrator/Clerk-Treasurer