

TOWN OF LYNDON
ORDINANCE NO. __8__ OF 2005

The Town Board of Lyndon, Sheboygan County, Wisconsin, does ordain as follows:

Section 1. TITLE

This ordinance is entitled "Outdoor Furnaces within the Town of Lyndon".

Section 2. Declaration of Policy & Purpose

The Town of Lyndon Board 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 Town Board believes that local regulation of such uses is in the Town's best interest. The Town is concerned with the public health, safety and welfare in this regard.

Section 3. Definition

Definition: "Outdoor Furnace" 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.

Section 4. Regulations applicable to all outdoor furnaces within the Town of Lyndon

1. All outdoor furnaces shall be installed, operated and maintained in strict conformance with manufacturer's instructions and the regulations promulgated hereunder shall apply unless the manufacturer's instructions are stricter than the regulations promulgated hereunder, in which case the manufacturer's instructions shall apply.

2. The outdoor wood-fired furnace shall not used to burn any of the prohibited materials listed below:

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.

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.

Asphalt and products containing asphalt.

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.

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

Rubber including tires and synthetic rubber-like products.

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 (a) and (b)

(a.) paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance.

(b.) 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.

3. The outdoor wood-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.

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

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

(b) 100 to 250 feet: 75 percent of the eve line plus 2 feet

(c) 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. Any exception to required height granted under this section is contingent upon the lower height not being a nuisance to neighboring residences and is subject to further modification by the Plan Commission.

5. 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 permit is applied for.

6. The Plan Commission may impose additional restrictions deemed necessary to protect public health and safety.

Section 5. Permits Required

No person shall install, use or maintain an outdoor wood furnace in the Town of Lyndon without first having obtained a permit from the Town Zoning Administrator after being approved by the Plan Commission. Permit fees shall be established by resolution of the Town Board

Section 6. Penalty

In addition to any other action, any person violating this Ordinance shall be subject to a forfeiture of not less than \$100 or more than \$1,000 for each violation. The Town attorney, when so requested by the Town Board, shall institute proceedings to recover any forfeiture incurred under this section in circuit court that is not paid by the person against whom it is assessed.

Section 7. Severability

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 his end the provisions of this ordinance are severable.

Section 8. Effective date

Following passage 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. stats.

A building permit is **REQUIRED**. The cost is **\$40.00**. Please contact Jerry Rosche, Plan Commission Chairman. Phone 920.528-8844.