

**TOWN OF KOSSUTH  
MANITOWOC COUNTY, WISCONSIN**

**ORDINANCE NO. 2010-9**

**AN ORDINANCE TO REGULATE SOLID FUEL-FIRED OUTDOOR HEATING DEVICES**

The Town Board of the Town of Kossuth, Manitowoc County, Wisconsin, pursuant to its village powers under Sec. 60.10 (2) (c), 60.22 (3), and Secs. 61.34 (1), Wis. Stats., for the public health and safety, does ordain as follows:

**Section 1. DEFINITIONS.**

- 1.1 "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. "Clean wood" does not include, for example, plywood, particle board, chipboard or other composite wood products.
- 1.2 "Person" means an individual, partnership, corporation, limited liability company, limited liability partnership, government, association, organization, or any other entity.
- 1.3 "Solid Fuel-Fired Outdoor Heating Device" means any outdoor device, equipment, or structure, or any part thereof, designed for solid fuel combustion to produce heat or energy used as a component of a heating system providing indoor heat, including, but not limited to, combination fuel furnaces or boilers which burn solid fuel.
- 1.4 "Stacks" or "chimneys" means any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel-fired outdoor heating device; especially that part of such structure extending above a roof.

**Section 2. REGULATION.** A solid fuel-fired outdoor heating device may be installed, operated, or maintained in the Town of Kossuth, Manitowoc County, Wisconsin only in accordance with the following provisions:

- 2.1 All solid fuel-fired outdoor heating devices shall meet emission standards required by the Environmental Protection Agency (EPA) which are incorporated herein by reference, together with all amendments or modifications made thereto.
- 2.2 All solid fuel-fired outdoor heating devices shall be installed, operated, and maintained in strict conformance with the manufacturer's instructions and recommended guidelines, the regulations provided herein, and all other applicable local, state, and federal standards. In the event of any conflict, the terms of this Ordinance shall apply, except that if the manufacturer's instructions or recommended guidelines are more restrictive, then the manufacturer's instructions or recommended guidelines shall apply.
- 2.3 All solid fuel-fired outdoor heating devices shall be installed in accordance with the terms of this Ordinance and manufacturer's instructions and recommended guidelines.

- 2.4 All solid fuel-fired outdoor heating devices shall use as fuel only clean wood or the solid fuel specifically permitted by the manufacturer such as corn or other pellets specifically designed for the solid fuel-fired outdoor heating device.
- 2.5 The following fuels are prohibited to be used for solid fuel-fired outdoor heating devices in all circumstances:
- 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 waste.
  - b. Waste oil or other oily wastes and petroleum in any form
  - 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, synthetic fabrics, plastic films and plastic containers.
  - f. Rubber including, but not limited to, tires and synthetic rubber-like products.
  - g. Newspaper, corrugated cardboard, container board, office paper, and other materials which must be recycled in accordance with the recycling ordinance of the Town.
  - h. Pallets, except those permitted as solid fuel by the manufacturer.
  - i. Any other items not specifically permitted by the manufacturer.
- 2.6 Any fuel for a fuel-fired outdoor heating device stored on site shall be cut to useable size and stacked, as applicable, and shall be maintained in a neat and orderly manner. All such fuel shall be stored in a form ready to use in the heating device.
- 2.7 Upon request by the Town, the owner or operator of the solid fuel-fired outdoor heating device shall provide the Town with information in writing from the manufacturer which specifies the solid fuel permitted by the manufacturer and includes the manufacturer's instructions and recommended guidelines.
- 2.8 This ordinance applies to all solid fuel-fired outdoor heating devices whether unenclosed or enclosed in any type of structure or enclosure.

**Section 3. EXISTING SOLID FUEL-FIRED OUTDOOR HEATING DEVICES:**

- 3.1 All solid fuel-fired heating devices existing and installed in the Town of Kossuth prior to the effective date of this Ordinance shall comply with all manufacturer's specifications and Sections 2.1 through 2.9 of this Ordinance within thirty (30) days from the effective date of this Ordinance. Such heating devices are deemed pre-existing devices.
- 3.2 Any written and signed complaint from a town resident or an officer of an adjacent town pertaining to an existing solid fuel-fired heating device and filed with the Town Clerk shall be referred to the Town Board for investigation, review and resolution. The town board shall notify the Owner of the heating device of the Complaint and provide the Owner with a reasonable time for response including corrective action. If the complaint is not resolved in accordance with the terms of this ordinance,

the Town board may determine the subject matter of the complaint is noncompliant with this Ordinance. In that event, the Owner of the pre-existing device shall remove, replace, or modify the device to meet the requirements of this Ordinance within 45 days of written notification and determination of noncompliance by the Town Board.

**Section 4. NONCOMPLIANCE; PENALTY:**

4.1 Penalty: Any person who violates this Ordinance, upon conviction thereof, shall forfeit \$50.00 together with the costs of prosecution and all costs and expenses allowed or required by law. Each day of violation shall be a separate offense.

**Section 5. SEVERABILITY:** If any provision of this Ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such finding shall not affect the remaining provisions of this Ordinance which shall remain in full force and effect.

Adopted this 6<sup>th</sup> day of December, 2010

Chairperson, Town of Kossuth: John M. Hutterer

Witnessed: John Schub  
Clerk, Town of Kossuth