

ORDINANCE NO. 189

Regulating Existing Outdoor Solid Fuel Fired Furnaces and Banning All Future Ones

Section 1: The Village of Dorchester does hereby intend, by this ordinance, to ban all outdoor solid fuel fired furnaces within the village limits as of April 13, 2005; except those that are already in operation and therefore permitted under the grandfather clause.

It is also the intent of the village to regulate and control the outdoor solid fuel fired furnaces in operation. This ordinance will safeguard the health, comfort and welfare of the citizens of the Village of Dorchester and eliminate the unsightliness that the units prevail upon the community and to eliminate the hazard on the roadways of heavy smoke conditions which can occur during certain days of heavy air.

Solid fuel fired furnaces are defined by this ordinance to mean furnaces which are housed outside but intended to heat the inside of buildings.

Section 2: Exception to the above being the five outdoor furnaces presently in operation and which are being given grandfather status at the location designated below. No other exceptions to the ordinance will be granted as long as this ordinance is in effect. However, should any of the five presently in operation require replacement of the outside unit at the location designated below, then that is permitted under this ordinance.

Exceptions are hereby granted to:

Thomas and Elaine Reynolds - 109 West Washington Avenue

Kurt and Kathy Schwoch - 104 West Viking Avenue

Viken Small Engines LLC. - 770 East Center Avenue

Steen Transport LLC - 266 Vircks Drive

Randy's Body Shop - W 250 County Trunk "A"

Section 3: Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be effected

Section 4: Any person, firm or corporation violating any provision of this ordinance shall be fined not less than \$10.00 per day or more than \$25.00 per day and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 5: Materials that may not be burned.

5.1 Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal parts or carcasses, materials containing paint or painted surfaces, furniture, composite shingles, construction or demolition debris or other household or business wastes.

5.2 Waste oil or other oily wastes.

5.3 Asphalt and materials containing asphalt.

5.4 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.

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

5.6 Rubber including tires and synthetic rubber-like products.

5.7 Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance.

Section 6: Requirements for Outdoor Solid Fuel Fired Furnaces

6.1 All solid fuel fired furnaces shall meet all applicable standards required by the Wisconsin Department of Commerce governing air quality and emissions.

6.2 Any dense smoke, noxious fumes, gas or soot, cinders or live sparks that interfere with the comfortable enjoyment of life, health or safety or another person may be declared a public nuisance by a properly designated authority and ordered abatement.

6.3 Any solid fuel fired furnace shall have a minimum stack height of 20 feet from ground level or 3 feet above an adjoining properties highest roof level, which ever is greater.

6.4 All chimneys and stacks shall be designed, constructed and maintained to withstand high winds and other related elements.

6.5 Any existing or non complying stack shall be removed or replaced with 60 days of being notified in writing by authorized village officials.

6.6 Outdoor solid fuel fired furnaces shall be enclosed by fencing. Fencing must be of sufficient height to screen the furnace and solid fuel from constituting an eye sore to the neighborhood.

Section 7: A person utilizing or maintaining an outdoor solid fuel fired furnace shall be responsible for all fire suppression costs and any other liability resulting from damage caused by fire.

Section 8: The Fire Chief or any authorized officer, agent, employee or representative of the Village of Dorchester who presents credentials may inspect the outdoor solid fuel fired furnace for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or the occupant of the premises denies access to the outdoor solid fuel fired furnace for this purpose, a special inspection warrant may be obtained in accordance with sections 66.122 and 66.123, Wis. Stats.

This ordinance shall take effect upon passage and publication. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Dated this 6th day of April, 2005,

Bea Seidel, Village President
Bea Seidel, Village president

Attest:

Judy Robida

Judy Robida, Village Clerk

Adopted: April 6, 2005

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