

CHAPTER 308

REGULATING OUTDOOR SOLID FUEL-FIRED HEATING DEVICES

[History: Ord 2008-11]

308.01 Findings of Fact and Purpose.

The Common Council finds that outdoor solid fuel-fired heating devices constitute a public nuisance which threaten the health, safety and welfare of the citizens of the City of Richland Center in that:

- (1) They are sources of significant amounts of air pollution at or near ground level.
- (2) If incorrectly installed and/or inadequately maintained, they pose a fire hazard to properties in the vicinity of the device.
- (3) Such devices tend to cause unpleasant and obnoxious smells which negatively affect other properties and persons some distance from the devices.

308.02 Definition. “Outdoor solid fuel-fired heating device” is defined to mean:

- (1) An outdoor device or structure designed for the combustion of solid fuel and designed or used for the purpose of providing indoor heat to a building or structure, including but not limited to woodburning furnaces or boilers, combination fuel furnaces or boilers or other outdoor devices which burn wood, coal or other solid fuel for the purpose of providing indoor heat to a building or structure.
- (2) Any device or structure designed for the combustion of solid fuel and designed or used for the purpose of providing indoor heat to a building or structure other than the building or structure in which the heating device is physically located.

This definition of outdoor solid fuel-fired heating device shall not be construed to include barbecue pits on residential properties used only for the burning of charcoal for the purpose of cooking food.

308.03 Prohibition. No outdoor solid fuel-fired heating device shall be constructed, installed, or operated within the City of Richland Center. Any such device constructed, installed, or operated within the City of Richland Center is hereby declared to be a public nuisance.

308.04 Prior Nonconforming Units. Any outdoor solid fuel-fired heating device installed and in actual use within the City of Richland Center immediately prior to the effective date of this chapter may continue to be used, provided, however, that at such time as the device becomes in need of replacement, such right of use shall terminate and the device shall be removed and shall not be replaced.

308.05 Penalty. Any person who constructs, erects, installs or uses any outdoor solid fuel-fired heating device within the City of Richland Center contrary to this chapter, or who fails to remove such a device upon notification from the City of Richland Center that it is in violation of this chapter, shall forfeit not less than \$100.00 nor more than \$400.00 together with costs and all applicable assessments. Each day

that a violation exists shall constitute a separate violation.

In circumstances deemed appropriate by the City of Richland Center, the use of an outdoor solid fuel-fired heating device contrary to this Chapter may also be proceeded against as a public nuisance, in addition to or in lieu of imposition of a forfeiture for the violation.

Adopted September 16, 2008