1 2 3	RESOLUTION #84-2008 GENERAL CODE OF ONEIDA COUNTY, WISCONSIN ORDINANCE AMENDMENT #
4 5	Ordinance Amendment offered by Supervisors of the Board of Health Committee
6 7 8 9	Whereas, Outdoor Wood Burning Units/Outdoor Furnace (OWB) use has become more prevalent, commonly replacing indoor woodstoves, and continued increases in sales are likely.
10 11 12	Whereas, OWBs emit significantly more particulate matter than other residential wood burning devices and short term particulate matter spikes can be extremely high.
13 14	Whereas, the health risk posed by smoke is greater when placed in close proximity to neighbors, due to the elevated ambient particulate matter levels from OWB smoke.
15 16	Whereas, small particles in wood smoke can worsen heart conditions by preventing oxygen from reaching tissues.
17 18	Whereas, breathing difficulties such as asthma and other lung conditions may increase in adults or children, if they breathe too much smoke.
19 20	Whereas current regulations do not provide surrounding areas with adequate protection from the use of OWBs in residential applications.
21 22 23 24	Whereas without aggressive public policy to limit fine particle and air toxic emissions from OWB sources, the number of potentially exposed at-risk individuals will continue to grow.
25 26 27 28 29 30	NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS FOLLOWS: Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict with this ordinance shall be and hereby are repealed as far as any conflict exists. Section 2. This ordinance shall take effect the day after passage and publication as required by law.
31 32 33 34 35 36	Section 3. If any claims, provisions or portions of this ordinance are adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. Section 4. Section 11.18 of the General Code of Oneida County, Wisconsin, is created as follows [additions noted by underline, deletions noted by strikethrough]:
37	CHAPTER 11.18 OUTDOOR WOOD BURNING UNITS/OUTDOOR FURNACE
38 39 40	(1) For properties within Oneida County, outdoor wood burning units/outdoor furnace are allowed with an approved permit. The permit must be obtained from the Oneida County Planning and Zoning Department prior to the installation of the wood burning unit.
41 42 43 44 45	(2) Impacts: Outdoor Wood Burning Units/Outdoor Furnaces can emit harmful pollutants during operation. Outdoor Wood Burning Units/Outdoor Furnaces are to meet emission standards currently required by the Environmental Protection Agency (EPA) and Outdoor Furnace Manufacturer's Caucus of the Hearth, Patio and Barbeque Association (HPBA) guidelines.

46 47 48 49	<u>(3)</u>	appliar transfe	or Wood Burning Unit/Outdoor Furnace: Includes an accessory structure or accedesigned for the location ordinarily outside the principal structure and used to a ror provide heat via liquid or other means, by burning wood or other solid fuels, ting any principal or accessory structure on the premises.
50	(4)	Inclusi	ons: All outdoor wood burning units/outdoor furnaces.
51 52 53	<u>(5)</u>	fryers,	ions: This does not include lawfully operated fire pits; open burning, barbeques, grills or chimneys. This also does not include outdoor wood burning units/r furnaces that are within city or township jurisdictions with OWB ordinances.
54 55	(6)		on: The unit shall be located with due consideration to the prevailing wind on, terrain and:
56		a.	No less than 200 feet from any residence not served by the furnace.
57 58 59		b.	If unit is already located less than 200 feet to any residence not served by the furnace, the stack shall be at least 2 feet higher than the peak of adjacent properties.
60 61		c.	If unit is located 200-500 feet from any residence not served by the furnace, the stack height must be at least to the peak of adjacent properties.
62 63 64 65 66 67 68		d.	The Planning and Zoning Committee, upon recommendation from the Board of Health, may approve a lesser stack 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 hazard for neighbors. Any exception to required height granted under this section is contingent upon the lower height not being a hazard to neighboring residences and is subject to further modification by the Planning and Zoning Committee.
69 70 71 72		e.	If a complaint is filed, the department will conduct an investigation to determine if additional modifications need to be made to the unit. If no additional modifications can be made to the unit, and a health hazard exists, an order to discontinue use will be issued.
73	<u>(7)</u>	Permit	ted Fuel: Only untreated natural wood.
74	(8)	Fuel E	xclusions:
75 76 77		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.
78 79 80		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.
81		c.	Asphalt and products containing asphalt.
82 83 84		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.

85 86		e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers.
87		f. Rubber including tires and synthetic rubber-like products.
88 89		g. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling regulations.
90 91 92	<u>(9)</u>	Permit: A one-time permit is required for all outdoor wood burning units. The permit application can be obtained at the Oneida County Planning and Zoning Department. Fees are determined by the Planning and Zoning Committee.
93 94 95 96 97	(10)	Dealers and sellers: OWB dealers and sellers must provide buyers with a legal notice stating that: only untreated natural wood may be burned; installation is subject to the distance and the stack height requirements stated above; and that the OWB, even if meeting the above requirements, may not be used if the terrain is inappropriate and renders the OWB to be a public health hazard.
98 99 100 101	(11)	Existing Outdoor Wood Burning Unit: Any outdoor wood burning units in existence on the effective date of this chapter shall be permitted to remain provided that the stack height meets above requirements and a permit is obtained within one year of such effective date.
102 103 104 105 106	(12)	Enforcement: Any authorized member or representative from the Oneida County Planning and Zoning Department or any authorized member or representative from Oneida County Health Department is hereby designated as an enforcing officer of this section and it shall be the duty of Corporation Counsel to prosecute any violators or offenders.
107 108 109 110 111	(13)	Right of Entry and Inspection: Any authorized representative who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If any owner or occupant of any premises shall refuse entry for inspection purposes, the authorized representative may obtain a special inspection warrant under 66.122, Wis.Stats.
112 113 114 115	(14)	Suspension of Permit: A permit issued pursuant to this chapter may be suspended, by its issuer, as determined to be necessary to protect the public health, safety and welfare of the residents of Oneida County if the unit is emitting particulate matter higher than the EPA standards.
116 117 118 119 120	(15)	Violations and Penalties: Any person who violates, disobeys, neglects, omits, or refuses to comply shall forfeit not less than \$25.00 nor more than \$250.00 for each offense, together with the costs of prosecution, and in default of payment of such forfeiture and costs of prosecution shall be imprisoned in the Oneida County Jail until said forfeiture and costs are paid, but not to exceed thirty (30) days for each violation.
121 122 123 124 125 126 127		wed by the Board of Health Committee on this 4 th day of September 2008. Required: Majority = 2/3 Majority = 3/4 Majority =

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