

Approved 3-21-2006
Line items #18

ORDINANCE NO. _____

2005/2006

**AN ORDINANCE AMENDING THE ZONING CODE, CHAPTER 7,
OF THE ORDINANCES OF THE TOWN OF SHEBOYGAN (MORE
PARTICULARLY SECTIONS 10.8. c. and d.), REGARDING
OUTDOOR FURNACES AND BULK REGULATIONS FOR
ACCESSORY USES AND STRUCTURES**

WHEREAS, the Town Board of the Town of Sheboygan recognizes the pollution effects, potential danger of fire hazards, and other problems associated with outdoor furnaces; and

WHEREAS, the Town Board of the Town of Sheboygan seeks to regulate the installation and use of outdoor furnaces in order to promote the health, safety, comfort, and welfare of the residents of the Town; and

WHEREAS, the Town of Sheboygan Zoning Code currently regulates the uses and structures, which may exist in certain yards, but allows certain exceptions to such bulk regulations for accessory uses and structures; and

WHEREAS, the Plan Commission of the Town of Sheboygan has recommended that the Town Zoning Code be amended to regulate outdoor furnaces and to expand and more clearly define the exceptions to the otherwise applicable bulk regulations; and

WHEREAS, the Town Board has determined that amending the Town Zoning Code accordingly would promote the public health, safety, welfare, comfort and convenience of the Town and its inhabitants.

NOW, THEREFORE, the Town Board of the Town of Sheboygan does hereby ordain as follows:

Section 1. **Amending Code.** Section 10.8, c. of the Zoning Code of the Town of Sheboygan, Sheboygan County, Wisconsin, is hereby amended by adding paragraph (7) pertaining to outdoor furnaces to read as follows:

"10.8 ACCESSORY USES

"c. Specific Regulations.

"(7) Outdoor Furnaces. Outdoor furnaces means a furnace, stove, or boiler that is not located within a building intended for habitation

by humans or domestic animals, and that burns wood, wood pellets, corn, or similar material.

"(a) Exclusions. This section does not apply to: Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances; burning in a stove, furnace, fireplace, or other heating device within a building used primarily for human or animal habitation; the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

"(b) Regulation. An outdoor furnace may be installed and used in the Town only in accordance with the following provisions:

"1. Building Permit. The owner of the outdoor furnace shall obtain a building permit pursuant to Chapter 8 of this Municipal Code. Any violation of this subsection shall void the permit.

"2. Emission Standards. 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 building permit is applied for.

"3. Location. The outdoor furnace shall be located at least two hundred (200) feet from the nearest building, which is not on the same property as the outdoor furnace; at least one hundred (100) feet from the side or rear lot line; and not in a front or street yard.

"4. Chimney. The outdoor furnace shall have a chimney that extends at least fifteen (15) feet above the ground surface. If there are any residences within two hundred fifty (250) feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The Building Inspector 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.

- "5. Prohibited Time. The outdoor furnace may not be in operation from May 1 through October 31.
- "6. Other Restrictions. The Building Inspector may impose additional restrictions deemed necessary to protect public health and safety.

"(c) Materials That May Not Be Burned. An outdoor furnace shall not be used to burn any of the following materials:

- "1. 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.
- "2. 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.
- "3. Asphalt and products containing asphalt.
- "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. Any plastic material, including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics.
- "6. Rubber, including tires and synthetic rubber-like products.
- "7. Newspaper, corrugated cardboard, container board, office paper, and similar materials.

"(d) Right of Entry and Inspection. The Building Inspector, or any authorized Town officer, agent, employee, or

representative who presents credentials, may inspect any property for the purpose of ascertaining compliance with the provisions of this subsection. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with Wis. Stat. § 66.0119."

Section 2. Amending Code. Section 10.8, d., of the Zoning Code of the Town of Sheboygan, Sheboygan County, Wisconsin, concerning bulk regulations is hereby amended to read as follows (additions are indicated by underscoring):

"10.8 ACCESSORY USES.

"d. Bulk Regulations. All accessory uses shall comply with the bulk regulations of the district in which they are located, except the following are permitted in all yards: Open terraces not covered four (4) feet above the average level of the adjoining ground, but not including a permanently roofed-over terrace or porch, awnings and canopies; steps four (4) feet or less above grade which are necessary for access to a permitted building or for access to a lot from a street or alley; one (1) story bay windows and overhanging eaves and gutters projecting thirty (30) inches or less into the yard; chimney projections thirty (30) inches or less into the yard; arbors and trellises; flag poles, signs, recreation and laundry drying equipment; lights, pillars, planters, posts, fountains and other water features, provided they are set back at least two (2) feet from the property line."

Section 3. Severability. 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 affected.

Section 4. Effective Date. This Ordinance shall take effect upon enactment and publication. All Ordinances or parts of Ordinances contravening or inconsistent with the provisions of this Ordinance shall be and are hereby repealed.

Enacted this _____ day of March, 2006.

TOWN OF SHEBOYGAN

By _____
DANIEL W. HEIN, Town Chairperson