

**CITY OF BUFFALO CITY  
ORDINANCE # 85**

**SOLID FUEL-FIRED HEATING DEVICES  
LOCAL ORDINANCE REGULATING THE USE OF SOLID FUEL-FIRED  
OUTDOOR HEATING DEVICES WITHIN THE CITY LIMITS  
OF THE CITY OF BUFFALO CITY**

**The Common Council of the City of Buffalo City, Buffalo County, State of Wisconsin, do hereby ordain as follows:**

The City of Buffalo City Ordinance Entitled Solid Fuel-Fired Heating Devices Local Ordinance Regulating the Use of Solid Fuel-Fired Outdoor Heating Devices within the City Limits of the City of Buffalo City, is hereby created as follows:

**SECTION 1 - SOLID FUEL-FIRED HEATING DEVICES**

**A. DEFINITIONS**

1. The Common Council means the City of Buffalo City Common Council or its designated committee or agent.
2. Solid Fuel-Fired Heating Device: Any equipment, device or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source.
3. Stacks or Chimneys: Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a solid fuel fired heating devices; especially that part of such structures extending above a roof.

**SECTION 2 - REGULATIONS FOR SOLID FUEL-FIRED HEATING DEVICES**

- A. All solid fuel devices installed within the City limits are required to meet emission standards currently required by the Environmental Protection Agency (EPA). Emission standards currently required by the EPA are hereby adopted by reference together with any amendments or modifications made to them in the future, as well as the Wisconsin State Statutes and Wisconsin Department of Natural Resources regulations.

- B. All outdoor devices shall be installed, operated and maintained in strict conformance with the manufacturer's instructions and the regulations promulgated hereunder. In the event of a conflict, the regulations promulgated hereunder shall apply unless the manufacturer's instructions are more strict than the regulations promulgated hereunder, in which case the manufacturer's instructions shall apply.
- C. All outdoor devices shall be installed, operated and maintained pursuant to the following conditions:
  - 1. Fuel: Fuel shall be only natural untreated wood or wood specifically permitted by the manufacturer. The following fuels are **strictly prohibited**:
    - a. The burning of processed wood products and other non-wood products
    - b. Petroleum, kerosene, and gasoline products
    - c. Rubber
    - d. Plastics
    - e. Garbage
    - f. Painted wood or treated wood
    - g. Corn
    - h. Any other item not specifically allowed by the manufacturer or this provision

### **SECTION 3 - OUTDOOR HEATING DEVICE PROVISIONS**

- A. An outdoor heating device may be used in the City of Buffalo City only in accordance with the following provisions:
  - 1. The outdoor heating device shall not be used to burn any of the prohibited material listed in section 2 of this ordinance.
  - 2. The outdoor heating device shall be located at least 100 feet from the nearest inhabited building which is not on the same property as the outdoor heating device. The outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface.
  - 3. All chimneys greater than 15 feet in height above the ground shall be provided with documentation from the manufacturer specifying that the solid fuel-fired outdoor heating device will function with this increased chimney height and how the chimney shall be supported.
  - 4. The outdoor heating device shall be located only in the rear yard and treated as an accessory building.

5. The piping extending from the outdoor heating device shall be buried underground and free from public view.

#### **SECTION 4 - EXISTING OUTDOOR SOLID FUEL HEATING DEVICES**

All existing units shall immediately comply with all manufacturer's specifications and specifications of this ordinance and all must comply to all other building code requirements within 45 days from effective date of this ordinance. (All existing nonconforming devices shall be removed, replaced, or modified to meet the requirements of this ordinance within 45 days of notification of noncompliance from the Common Council.)

#### **SECTION 5 - LICENSES**

No person shall install, maintain or use an outdoor heating device in the City of Buffalo City without having obtained a license from the Common Council on the forms prescribed by the Common Council. Such license can be obtained from the Common Council upon payment of the fee established by separate Resolution of the Common Council from time to time. A license may be issued upon finding that the outdoor heating device will be located, constructed, and used in compliance with the requirements of this Ordinance. The Health & Safety Committee will check for compliance annually.

#### **SECTION 6 - ENFORCEMENT AND PENALTIES**

- A. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25 or more than \$250 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.
- B. In the event any solid fuel device licensed under this ordinance becomes hazardous, harmful, noxious, offensive or a nuisance to the surrounding neighborhood, the owner or occupant may be required to correct, improve or abate such conditions by such measures in accordance with the requirements of the Common Council.
- C. A violation of this ordinance is hereby declared to be a public nuisance which may be enforced through injunction or abatement proceedings or other applicable remedies as allowed by law, which shall be in addition to such other penalties and remedies as may apply.

#### **SECTION 7 - RIGHT OF ENTRY AND INSPECTION**

The Fire Chief or any authorized officer, agent, employee or representative of the Common Council who presents credentials may inspect any property for the purpose of

ascertaining compliance with the provisions of this ordinance.

**SECTION 8 - SEVERABILITY**

If any provisions of this local ordinance are held to be unconstitutional or otherwise invalid by any court of competent jurisdiction, the remaining provisions of this local ordinance shall remain in effect.

**SECTION 9 - ORDINANCE INTENT**

This Ordinance has been passed with the intention of protecting the health and welfare of the residents of the City of Buffalo City, and is not intended to be a zoning ordinance.

**SECTION 10 - EFFECTIVE DATE**

This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

Dated this 11th day of December, 2006.

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William Bruegger, Mayor

ATTEST:

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Jane E. Walczak, Clerk

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Published or posted this \_\_\_\_\_ day of December, 2006.