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3 **GENERAL CODE OF ONEIDA COUNTY, WISCONSIN**  
4 **ORDINANCE AMENDMENT #**  
5

6 **Ordinance Amendment offered by Supervisors of the Board of Health Committee**  
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8 **Whereas**, Outdoor Wood Burning Units/Outdoor Furnace (OWB) use has become more  
9 prevalent, commonly replacing indoor woodstoves, and continued increases in sales are likely.  
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11 **Whereas**, OWBs emit significantly more particulate matter than other residential  
12 wood burning devices and short term particulate matter spikes can be  
13 extremely high.  
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15 **Whereas**, the health risk posed by smoke is greater when placed in close proximity to  
16 neighbors, due to the elevated ambient particulate matter levels from OWB smoke.

17 **Whereas**, small particles in wood smoke can worsen heart conditions by preventing  
18 oxygen from reaching tissues.

19 **Whereas**, breathing difficulties such as asthma and other lung conditions may increase in  
20 adults or children, if they breathe too much smoke.

21 **Whereas** current regulations do not provide surrounding areas with adequate protection  
22 from the use of OWBs in residential applications.

23 **Whereas** without aggressive public policy to limit fine particle and air toxic  
24 emissions from OWB sources, the number of potentially exposed at-risk individuals will continue  
25 to grow.  
26

27 **NOW, THEREFORE, THE ONEIDA COUNTY BOARD OF SUPERVISORS**  
28 **DOES ORDAIN AS FOLLOWS:**

29 Section 1. Any existing ordinances, codes, resolutions, or portions thereof in conflict  
30 with this ordinance shall be and hereby are repealed as far as any conflict exists.

31 Section 2. This ordinance shall take effect the day after passage and publication as  
32 required by law.

33 Section 3. If any claims, provisions or portions of this ordinance are adjudged  
34 unconstitutional or invalid by a court of competent jurisdiction, the  
35 remainder of this ordinance shall not be affected thereby.

36 Section 4. Section 11.18 of the General Code of Oneida County, Wisconsin, is created as  
37 follows [additions noted by underline, deletions noted by strikethrough]:  
38

39 **CHAPTER 11.18 OUTDOOR WOOD BURNING UNITS/OUTDOOR FURNACE**

40 (1) For properties within Oneida County, outdoor wood burning units/outdoor furnace are  
41 allowed with an approved permit. The permit must be obtained from the Oneida County  
42 Planning and Zoning Department prior to the installation of the wood burning unit.

43 (2) Impacts: Outdoor Wood Burning Units/Outdoor Furnaces can emit harmful pollutants  
44 during operation. Outdoor Wood Burning Units/Outdoor Furnaces are to meet emission  
45 standards currently required by the Environmental Protection Agency (EPA) and Outdoor

46 Furnace Manufacturer’s Caucus of the Hearth, Patio and Barbeque Association (HPBA)  
47 guidelines.

48 (3) Outdoor Wood Burning Unit/Outdoor Furnace: Includes an accessory structure or  
49 appliance designed for the location ordinarily outside the principal structure and used to  
50 transfer or provide heat via liquid or other means, by burning wood or other solid fuels,  
51 for heating any principal or accessory structure on the premises.

52 (4) Inclusions: All outdoor wood burning units/outdoor furnaces.

53 (5) Exclusions: This does not include lawfully operated fire pits; open burning, barbeques,  
54 fryers, grills or chimneys. This also does not include outdoor wood burning  
55 units/outdoor furnaces that are within city or township jurisdictions with OWB  
56 ordinances.

57 (6) Location: The unit shall be located with due consideration to the prevailing wind  
58 direction , terrain and:

- 59 a. No less than 200 feet from any residence not served by the furnace.
- 60 b. If unit is already located less than 200 feet to any residence not served by the  
61 furnace, the stack shall be at least 2 feet higher than the peak of adjacent  
62 properties.
- 63 c. If unit is located 200-500 feet from any residence not served by the furnace, the  
64 stack height must be at least to the peak of adjacent properties.
- 65 d. The Planning and Zoning Committee, upon recommendation from the Board of  
66 Health, may approve a lesser stack height on a case by case basis if necessary to  
67 comply with manufacturer’s recommendations and if the smoke from the lower  
68 chimney height does not create a hazard for neighbors. Any exception to  
69 required height granted under this section is contingent upon the lower height not  
70 being a hazard to neighboring residences and is subject to further modification by  
71 the Planning and Zoning Committee.
- 72 e. If a complaint is filed, the department will conduct an investigation to determine  
73 if additional modifications need to be made to the unit. If no additional  
74 modifications can be made to the unit, and a health hazard exists, an order to  
75 discontinue use will be issued.

76 (7) Permitted Fuel: Only untreated natural wood.

77 (8) Fuel Exclusions:

- 78 a. Rubbish or garbage including but not limited to food wastes, food wraps,  
79 packaging, animal carcasses, paint or painted materials, furniture, composite  
80 shingles, construction or demolition debris or other household or business waste.
- 81 b. Waste oil or other oily wastes except used oil burned in a heating device for  
82 energy recovery subject to the restrictions in Chapter NR 590, Wisconsin  
83 Administrative Code.
- 84 c. Asphalt and products containing asphalt.

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

Vote Required: Majority = \_\_\_\_\_ 2/3 Majority = \_\_\_\_\_ ¾ Majority = \_\_\_\_\_

The County Board has the legal authority to adopt: Yes \_\_\_\_\_ No \_\_\_\_\_ as reviewed by the Corporation Counsel, \_\_\_\_\_, Date: \_\_\_\_\_

Offered and passage moved by: \_\_\_\_\_

Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

\_\_\_\_\_  
Supervisor

Seconded by: \_\_\_\_\_

\_\_\_\_\_ Ayes

\_\_\_\_\_ Nays

\_\_\_\_\_ Absent

\_\_\_\_\_ Abstain

\_\_\_\_\_ Adopted

by the County Board of Supervisors this \_\_\_\_\_ day of \_\_\_\_\_ 2008.

\_\_\_\_\_ Defeated

\_\_\_\_\_  
Robert Brusio, Clerk

\_\_\_\_\_  
Andrew P. Smith, County Board Chair