

Ordinance No. 224

AN ORDINANCE TO REGULATE  
THE USE OF OUTDOOR WOOD BURNING FURNACES  
WITHIN THE VILLAGE OF OCONOMOWOC LAKE

WHEREAS, the Village of Oconomowoc Lake Village Board finds that Outdoor Wood Burning often pose a danger to public health, welfare, and safety due to harmful emissions, and potential fire risks to surrounding structures and areas.

NOW, THEREFORE, the Village Board for the Village Oconomowoc Lake, Waukesha County, Wisconsin does hereby ordain as follows:

Section 1: OUTDOOR WOOD BURNING FURNACES

1. Prohibition and Limited Exception.
  - a) New Outdoor Wood Burning Furnaces

No Outdoor Wood Burning Furnaces shall constructed or installed subsequent to the date this ordinance is enacted.
  - b) Existing Outdoor Wood Burning Furnaces

Outdoor Wood Burning Furnaces which are fully installed and operational on the date of this ordinance may continue to be used provided they comply with all of the following requirements.

    - (1) Subject to the Outdoor Wood Burning Furnace being fully dismantled and removed from the property prior to any conveyance of the property subsequent to the date of this ordinance, whether the conveyance is through sale, foreclosure, repossession, descent, devise, or through any other form of transfer or exchange.
    - (2) Subject to the Outdoor Wood Burning Furnace being fully dismantled and removed from the property in the event it is destroyed or otherwise rendered inoperable.
2. Regulations for Existing Outdoor Wood Burning Furnaces.
  - Burning limitations.
    - The fuel burned in an existing Outdoor Wood Burning Furnace shall only be natural untreated wood or wood

specifically permitted by the manufacturer. The following fuels are strictly prohibited from being burned in the furnace: (a) rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses or bones, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes; (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; (c) asphalt and any products containing asphalt; (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 or resins; (e) any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers; (f) rubber, including tires and synthetic rubber-like products; (g) newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with any and all applicable recycling ordinances, statutes, and regulations except as specifically altered.

3. Definition: Outdoor Wood Burning Furnace

An Outdoor Wood Burning Furnace means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

4. Penalties and Remedies.

- a) Violations. Non-compliance with this ordinance shall be subject to forfeiture as described below, in addition to permit suspension or revocation, actions for abatement, injunctive relief, and other remedies as allowed by law, without limitation. All violations of this ordinance shall be deemed to be a public nuisance.
- b) Penalty. Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall upon conviction thereof, forfeit not less than Twenty-five Dollars (\$25.00) nor more than One Thousand Dollars (\$1,000.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.

Section 2: SEVERABILITY.

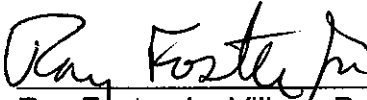
The several sections and portions thereof of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

Section 3: EFFECTIVE DATE.

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

Dated this 20<sup>th</sup> day of June, 2005

VILLAGE OF OCONOMOWOC LAKE

  
\_\_\_\_\_  
Ray Foster Jr., Village President

ATTEST:

  
\_\_\_\_\_  
Kathy Kreuser, Village Clerk/Treasurer

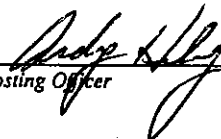
STATE OF WISCONSIN )  
 )  
COUNTY OF WAUKESHA )

AFFIDAVIT OF POSTING  
ORDINANCES 2240-225  
Resolution 118

The undersigned, being first duly sworn, on oath deposes and states that on June 21, 2005, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:


to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.

  
\_\_\_\_\_  
Posting Officer

Subscribed and sworn to before me

This 21 day of JUNE, 2005

  
\_\_\_\_\_  
Notary Public, Waukesha County, Wisconsin  
My Commission expires: 3-23-08