

**CHAPTER 92: FIRE PREVENTION AND PROTECTION**

Section

*General Provisions*

- 92.01 Fire Prevention Code
- 92.02 Fireworks

(5) Chapter ILHR 50-64 - Building, Heating Ventilating and Air Conditioning.

(6) Chapter Comm 14 - Fire Prevention.

*Outdoor Wood Furnaces*

- 92.10 Definitions
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(7) Chapter Comm 2 - Fee Structure.

(B) A copy of these Codes are on file in the office of the Fire Chief.

(C) This section also adopts the subsequent modifications and amendments to the Chapters of the Wisconsin Administrative Code as fully as if set forth herein.

(Ord. 124, passed 12-5-88)

**GENERAL PROVISIONS**

**§ 92.01 FIRE PREVENTION CODE.**

(A) The following orders and codes of the Wisconsin Administrative Code, Rules of the Department of Industry, Labor and Human Relations are hereby adopted by reference and made a part of the City Fire Prevention Code.

- (1) Chapter Comm 32 - Safety.
- (2) Chapter Comm 7 - Explosive Materials.
- (3) Chapter Comm 15 - Cleaning and Dyeing.
- (4) Chapter Comm 10 - Flammable and Combustible Liquids.

**§ 92.02 FIREWORKS.**

(A) No person shall shoot or fire any firecracker, skyrocket, roman candle, explosive cane, or any other fireworks or device containing high explosive materials, such as are commonly used to celebrate Independence Day, within the city, on any day of the year except on the Fourth day of July.

(B) No person shall shoot or fire any such firecracker or other explosive device on the sidewalks of the streets, or place or throw the device at or near any person, or at or under any horse-drawn or motor vehicle, or in any building, or in any manner shoot or fire any such device as to endanger the lives or personal safety of any other person, or so as to cause any nervous shock of any other person in this city on any day of the year.

(Ord. 77, passed 8-5-29) Penalty, see § 10.99

***Cross-reference:***

*Sale of fireworks, see § 110.03*

**OUTDOOR WOOD FURNACES****§ 92.10 DEFINITIONS.**

For the purposes of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CHIMNEY.** Flue or flues that carry/ies off exhaust from an outdoor wood furnace firebox or burn chamber.

**EPA OWHH PHASE 1 PROGRAM.** EPA OWHH (Outdoor Wood-fired Hydronic Heater Program) Phase 1 Program administered by the United States Environmental Protection Agency.

**EPA OWHH PHASE 1 QUALIFIED MODEL.** An outdoor wood-fired hydronic heater that has been EPA Phase 1 Program qualified. The model has met the EPA OWHH Phase 1 emission level and has the proper qualifying label and hangtag.

**EXISTING OUTDOOR WOOD FURNACE.** An outdoor wood furnace that was purchased and installed prior to the effective date of this subchapter.

**NATURAL WOOD.** Wood, which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

**NEW OUTDOOR WOOD FURNACE.** An outdoor wood furnace that is first installed, established or constructed after the effective date of this subchapter.

**OUTDOOR WOOD FURNACE.** Any equipment, device, appliance 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. An **OUTDOOR WOOD FURNACE** may also be

referred to as an **OUTDOOR WOOD BOILER** or **OUTDOOR WOOD-FIRED HYDRONIC HEATER**. (Ord. 164, passed 11-5-07)

**§ 92.11 REGULATIONS.**

(A) No person shall, from the effective date of this subchapter, construct, install, establish, operate or maintain an outdoor wood furnace other than in compliance with the applicable sections of this subchapter.

(B) No person shall, from the effective date of this subchapter, operate an outdoor wood furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this subchapter regarding fuels that may be burned in an outdoor wood furnace as set forth in § 92.12(A) and (B) and chimney height as set forth in § 92.12(D) and (F).

(C) All new outdoor wood furnaces shall be constructed, established, installed, operated and maintained in conformance with the manufacturer's instructions and the requirements of this subchapter. In the event of a conflict, the requirements of this subchapter shall apply unless the manufacturer's instructions are more strict, in which case the manufacturer's instructions shall apply.

(D) The owner of any new outdoor wood furnace shall produce the manufacturer's owner's manual or installation instructions to the Zoning Department to review prior to installation.

(E) All new outdoor wood furnaces shall be laboratory tested and listed to appropriate safety standards such as UL, CAN/CSA, ANSI or other applicable safety standards.

(F) If an existing outdoor wood furnace is, through the course of proper investigation by local authorities, creating a verifiable nuisance, as defined by local or state law, the following steps may be taken by the owner and the Zoning Department having jurisdiction:

(1) Modifications made to the unit to eliminate the nuisance such as extending the chimney or relocating the outdoor wood furnace or both.

(2) Cease and desist operating the unit until reasonable steps can be taken to ensure that the outdoor wood furnace will not be a nuisance.

(Ord. 164, passed 11-5-07) Penalty, see § 92.99

***Cross-reference:***

*Nuisances, see Ch. 96*

**§ 92.12 SUBSTANTIVE REQUIREMENTS.**

Outdoor wood furnaces shall be constructed, established, installed, operated and maintained pursuant to the following conditions:

(A) Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass pellets or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup.

(B) The following fuels are strictly prohibited in new or existing outdoor wood furnaces:

(1) Wood that has been painted, varnished or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.

(2) Rubbish or garbage, including but not limited to food wastes, food packaging, food wraps.

(3) Any plastic materials, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(4) Rubber including tires or other synthetic rubber-like product.

(5) Newspaper, cardboard, or any paper with ink or dye products.

(6) Any other items not specifically allowed by the manufacturer or this section.

*(C) Setbacks for any new wood furnace (models not EPA OWHH Phase 1 Program qualified):*

(1) The outdoor wood furnace shall be located at least 25 feet from the property line.

(2) The outdoor wood furnace shall be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance of combustible materials.

(3) The outdoor wood furnace shall be located at least 100 feet from any residence that is not served by the outdoor wood furnace.

*(D) Chimney heights for new and existing outdoor wood furnaces.*

(1) The chimney of any new outdoor wood furnace shall extend at least two feet above the peak of any residence not served by the outdoor wood furnace located within 300 feet of the outdoor wood furnace.

(2) If there is an existing outdoor wood furnace already installed and there is new construction of a residence not served by the outdoor wood furnace within 300 feet of the outdoor wood furnace then the owner of the outdoor wood furnace shall conform to the stack height requirements of this division (D) within 30 days of the date the construction is complete and upon written notice from the Zoning Department.

*(E) Setbacks for EPA OWHH Phase 1 Program qualified materials.*

(1) The outdoor wood furnace shall be located at least 25 feet from the property line.

(2) The outdoor wood furnace shall be located on the property in compliance with the manufacturer's recommendations and/or testing and listing requirements for clearance to combustible materials.

(F) *Chimney heights for EPA OWHH Phase 1 Program qualified models.* The EPA OWHH Phase 1 Program qualified model chimney shall extend at least two feet above the peak of the residence for which it serves if neighboring residences not served by the furnace are located within 300 feet or the chimney shall extend at least two feet above the peak at any residence not served by the furnace within 100 feet, whichever is greater.

(G) Outdoor furnaces that use corn, wood pellets or other palletized biomass shall meet the same setback and height requirements as EPA OWHH Phase 1 Program qualified models.

(Ord. 164, passed 11-5-07) Penalty, see § 92.99

### § 92.13 APPEALS; VARIANCES.

Appeals from any actions, decisions, or rulings of the Zoning Department or for a variance from the strict application of the specific requirements of § 92.11 or 92.12 may be made to the City of Alma Board of Appeals. Requests for all appeals shall be made in writing to the Board of Appeals not later than 30 days of the act, decision, or ruling from which relief is sought.

(A) *Appeals fees.* Appeals fees shall be established by Zoning Department resolution.

(B) *Public hearing.* Within 30 days after receiving the written request, the Board of Appeals shall hold a public hearing on the appeal, with prior notice published in the City of Alma's official newspaper at least 15 days before the date of the hearing and specifying the date, time and purpose of the hearing.

(C) *Decision of Board of Appeals.* Within 30 days of the final adjournment of a public hearing, the Board of Appeals shall affirm, modify, or deny the action, decision, or ruling of the Zoning Department or correct any omission by the designated inspector, or approve, approve with conditions, or disapprove

the application. The decision of the Board of Appeals shall be in writing and shall contain findings and the factual basis for the finding from the record of the hearing, which shall support the decision of the Board of Appeals. As part of any decision, the Board of Appeals shall direct the officer to issue any appropriate permit in conformity with its ruling and shall state a time by which such permit shall be issued, in conformity with this subchapter.

(D) *Criteria for variances.* In making its determination, the Board of Appeals shall take into consideration the benefit to the applicant if the variance is granted, as weighed against the detriment to the neighborhood or community by the grant. In making such determination, the Board shall also consider:

(1) Whether an undesirable chance will be produced in the character of the neighborhood or a detriment to nearby properties will be created by the granting of the variance;

(2) Whether the benefit sought by the applicant can be achieved by some method, feasible for the applicant to pursue, other than a variance;

(3) Whether the requested variance is substantial;

(4) Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Board of Appeals, but shall not necessarily preclude the granting of the variance.

(Ord. 164, passed 11-5-07)

### § 92.99 PENALTY.

(A) Any person who shall violate any provision of §§ 92.10 through 92.13 shall be guilty of a violation and shall upon conviction be subject to a fine of not more than \$200. Each week's continued violation constitutes a separate and distinct offense.

(B) Compliance with §§ 92.10 through 92.13 may also be compelled and violations restrained by order or by injunction of a court of competent jurisdiction. Any person who violates any provision of §§ 92.10 through 92.13 shall also be subject to a civil penalty of not more than \$200, to be recovered by the City of Alma in a civil action, and each week's continued violation shall be for this purpose a separate and distinct violation. In the even the City of Alma is required to take legal action to enforce §§ 92.10 through 92.13, the violator may be responsible for any and all necessary costs relative thereto, including attorneys' fees, and such expense shall be charged to the property so affected by including such expense in the next annual tax levy against the property.

(Ord. 164, passed 11-5-07)