

# CITY OF MADISON, WISCONSIN

AN ORDINANCE \_\_\_\_\_

PRESENTED July 1, 2008

REFERRED Commission on the

Environment; Public Health

RULES SUSPENSION \_\_\_\_\_

PUBLIC HEARING \_\_\_\_\_

Creating new Section 7.55 to prohibit outdoor wood boilers, amending Sec. 1.08(4) to include citation authority for Director of Public Health and amending, and amending Sec. 1.08(3) of the Madison General Ordinances to establish a bail deposit for a violation.

Drafted by: Adriana Peguero

Date: June 24, 2008

SPONSORS: Ald. Palm

DRAFTER'S ANALYSIS: This ordinance would prohibit all new outdoor wood boilers. Outdoor wood boilers in existence before the effective date of this ordinance would be permitted to continue operating with a permit granted by the City.

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The Common Council of the City of Madison do hereby ordain as follows:

1. New Section 7.55 entitled "Outdoor Wood Boilers Prohibited" of the Madison General Ordinances is created to read as follows:

## **"7.55 OUTDOOR WOOD BOILERS PROHIBITED (Health/ Building Inspection)**

- (1) Definition: "Outdoor wood boiler" as used in this section means any self-contained stove designed for the combustion of solid fuel and connected to a home or other building through underground piping. Outdoor wood boilers are also called wood-fired furnaces, wood-fired stoves, and outdoor furnaces.
- (2) No person shall install, use, or maintain any outdoor wood boiler within the City of Madison.
- (3) Pre-existing Outdoor Wood Boilers. Any person with an outdoor wood boiler installed and operating prior to the effective date of this Ordinance, may apply for a permit to continue to operate the boiler under the following conditions:
  - a. All outdoor wood boilers shall be operated in accordance with the manufacturer's directions, except as otherwise provided herein.
  - b. No industrial waste, rubber, plastic, used motor oil, toxic chemicals, hazardous waste, yard waste, painted or chemically treated wood, processed wood products, household garbage, cardboard, waste paper or animal waste shall be burned in the outdoor wood boiler.
  - c. Outdoor wood boilers shall not be operated between April 1 and October 15.
  - d. Outdoor wood boilers shall not be operated in a manner that produces excessive smoke, dust, or odors.
  - e. Outdoor wood boilers shall meet all applicable state and federal emission standards.
  - f. Upon the transfer of title of a home or other building with an outdoor wood boiler, neither the valid permit nor the right to operate the existing boiler shall be transferred to the new owner.
- (4) Permits for Pre-Existing Wood Boilers. The permit shall be issued by the City Clerk based on an application form provided by that office and payment of a \$50 fee. The permit shall be valid for one year from the date of issue and may be renewed only by the original permit holder.
- (5) Any person who shall violate any provision of Section (3) shall have their permit revoked.

Approved as to form:

- (6) Any person operating an outdoor wood boiler without a permit upon conviction of such may be subject to a forfeiture of not more than two hundred (\$200) dollars. Each day such violation continues shall be considered a separate offense.”

2. Subsection (4) entitled "Issuance of Citations" of Section 1.08 entitled "Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits" of the Madison General Ordinances is amended to read as follows:

- “(4) Issuance of Citations. Any law enforcement officer may issue citations for enforcement of any ordinances authorized under this ordinance. In addition, the following officials of the City of Madison are hereby authorized to issue citations for enforcement of those ordinances specified only. Such officials may delegate this authority to their subordinates upon approval by the Common Council.

Director of the Neighborhood Preservation and Inspection Division of the Department of Planning and Community and Economic Development or designee.

Section 7.55, Outdoor Wood Boilers Prohibited;  
Section 9.13, License for Selling on Public Streets,  
Section 12.128(14), Off-Driveway Parking; Section  
12.145(1)(d), No Street Vending from Parking Meter;  
Section 36.30, Cable TV Connections; Chapter 22,  
Consumer Protection and Weights and Measures;  
Section 24.08, Noise Control Regulation; Chapters  
18, 19, 27, 28, 29, 30, 31 and 37.”

3. Subdivision (a) of Subsection (3) entitled “Schedule of Deposits” of Section 1.08 entitled “Issuance of Citations for Violations of Certain Ordinances and Providing a Schedule of Cash Deposits” of the Madison General Ordinances is amended by creating the following:

“ <u>Unlawful use of wood boilers.</u>	7.55	<u>\$50</u> ”
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EDITOR'S NOTE: New bail deposits must be approved by the Municipal Judge prior to adoption. This deposit has been so approved.