

LA CROSSE COUNTY WOOD FIRED FURNANCE INFORMATION AND PERMIT APPLICATION

Please read this information carefully before signing.
Check with your township to see if OWF are regulated locally.
If not, fill out last two pages and submit to:

La Crosse County Health Department
Environmental Health
300 4TH St N
La Crosse, WI 54601

Include the **\$75.00 permit fee** with this application.
La Crosse County Health Department will contact you.

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- Burn only clean dry wood
- Do not use the furnace on warm days when neighbors have open windows
- Install the furnace in a location that will not affect neighbors, consider wind direction
- Extend the chimney height to disperse smoke
- You may want to install a fan. Injecting fresh air will increase the dispersion of the smoke.

## PROHIBITED MATERIALS

Burning any of these materials is a violation of state law and will create additional smoke and particulate matter:

- Rubbish, garbage, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture composite shingles, construction or demolition debris or other household or business wastes
- Waste oil
- Products containing asphalt such as shingles
- Treated or painted wood, plywood, composite wood products
- Plastic materials, nylon, PVC, polystyrene or urethane foam, synthetic fabrics, plastic films .
- Rubber tires and synthetic rubber-like products.

**LA CROSSE COUNTY ORDINANCE**

## 11.52 OUTDOOR WOOD-FIRED FURNACES.

12/2014

(1) PURPOSE. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of La Crosse County from air pollution emitted from outdoor wood-fired furnaces.

(2) APPLICABILITY. This ordinance applies to all outdoor wood-fired furnaces within La Crosse County except those located within incorporated municipalities. **If a provision in a town ordinance in this County covers a provision contained in this ordinance, the town ordinance controls.**

### (3) DEFINITIONS.

(a) "Clean Wood" means natural dry 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.

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

(c) "Refuse" means any waste material except clean wood.

(d) "Phase I Outdoor Wood-fired Furnace" means an Outdoor Wood-Fired Furnace that has been qualified by the EPA as meeting a particulate matter emission limit of 0.6 pounds per million British Thermal Units input and is labeled accordingly.

(e) "Phase II Outdoor Wood-fired Furnace" means an Outdoor Wood-Fired Furnace that has been qualified by the EPA as meeting a particulate matter emission limit of 0.32 pounds per million British Thermal Units input and is labeled accordingly.

(f) SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his or her agent for the purpose of sale or of building development where: The act of division creates 5 or more parcels or building sites of 1-1/2 acres each or less in area; or 5 or more parcels or building sites of 1-1/2 acres each or less in area are created by successive divisions within a period of 5 years.

### (4) INSTALLATION AND USE OF OUTDOOR WOOD-FIRED FURNACES.

(a) Effective January 1, 2015, any new or replacement installations must be of Phase II Outdoor Wood-fired Furnaces.

**(b) Outdoor wood fired furnaces are prohibited within a platted subdivision.**

(c) The outdoor wood-fired furnace shall be installed and used only in parcels of sufficient size to meet distance requirements to neighboring residences.

**(d) The outdoor wood-fired furnace shall be located at least 300 feet from any residence which is not on the same property as the outdoor wood-fired furnace.**

**(e) Any outdoor wood-fired furnace located within 300 to 500 feet of a residence which is not on the same property shall have an attached permanent stack extending at least 2 feet higher than the peak of the roof line of any residence within 500 feet of the wood-fired furnace.**

(f) The outdoor wood-fired furnace shall comply with all applicable laws including, but not limited to county ordinances that prohibit creating a human health hazard or a public nuisance.

(g) Only clean wood shall be burned in the furnace.

(h) The outdoor wood-fired furnace shall not be used to burn any of the prohibited materials listed in s. 11.52(5) except paper and cardboard.

(5) MATERIALS THAT SHALL NOT BE BURNED. Unless specific written approval has been obtained from the Department of Natural Resources, the following materials shall not be burned:

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

(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.

#### (6) Outdoor Wood-fired Furnace Permit

(a) Permit. When required by this Code, a permit shall be obtained from the County Health Department prior to installing or replacing a wood-fired furnace or changing the structure, equipment or location of an existing wood-fired furnace.

(b) Application. An application for a wood-fired furnace permit shall be made to the County Health Department upon forms furnished by the County that shall include, the following information:

1. Name and address of applicant and property owner;
2. Legal description of the property; and,
3. A sketch of the dimensions of the property, including location of buildings and the wood-fired furnace relative to the lot lines and distances from neighboring residences that are within 500 feet.

(c) Fee. All applications shall include an application fee that will be determined by the County Board; pursuant to s. 13.05 of this Code.

(d) Review and Permit Processing.

1. The application shall be reviewed by the County Health Department for compliance with s. 11.52(4) of this code.
2. Applicants shall be notified in writing of the decision within 7 business days of receipt of the completed application; and,
3. The County Health Department shall issue a permit for a wood-fired furnace if it meets compliance with s. 11.52(4) and the permit fee is paid.

(e) Duration of Permit. The permit shall be valid for 2 years from the date of issue. Installation of the wood-fired furnace shall be completed during that time or the permit is void and the applicant shall re-apply for a new permit. Permits shall not be transferable from person to person or place to place.

(f) Appeals. Any person or entity aggrieved by a decision of the County Health Department shall have the right to appeal pursuant to Chapter 68 of the Wisconsin Statutes. The impartial decision maker under s. 68.11, Wis. Stats., shall be the La Crosse County Health and Human Services Board. The committee shall either affirm, reverse or modify the decision.

(7) RIGHT OF ENTRY AND INSPECTION. An officer, agent, employee or representative of the County Health Department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. If the owner or occupant of the premises denies access to the property for this purpose, a special inspection warrant may be obtained in accordance with s. 66.0119, Wis. Stats.

(8) EXISTING NONCONFORMING OUTDOOR WOOD-FIRED FURNACES.

(a) Effective January 1, 2015, as long as any unit within 500 feet of another dwelling is in compliance with the chimney stack height requirement, the lawful use of an otherwise nonconforming outdoor wood-fired furnace existing at the time of the adoption or amendment of this ordinance may be continued. However, the use of a nonconforming outdoor wood-fired furnace shall not be a public nuisance or cause a human health hazard prohibited by s. 11.29 of the General Code of La Crosse County.

(b) By December 31, 2030, all nonconforming outdoor wood-fired furnaces must be removed or rendered inoperable.

(9) ENFORCEMENT AND PENALTIES.

(a) The Health Department staff is authorized to enforce the provisions of this ordinance.

(b) The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$25 or more than \$250 plus court costs. Penalties are doubled for second and subsequent offenses.

**11.29 HEALTH HAZARD.**

(1) DEFINITIONS.

(a) Public Health Nuisance. A thing, act, situation, object, substance, condition or use of property which continues for such length of time as to:

1. Substantially annoy, injure or endanger the comfort, health, repose or safety of the public.
2. In any way render the public insecure in life or in the use of property.

(b) Human Health Hazard. A substance, activity or condition that is known to have the potential to cause acute or chronic illness, to endanger life, to generate or spread infectious diseases, or otherwise injuriously to affect the health of the public, pursuant to s. 254.01(2), Wis. Stats.

(c) Immediate Health Hazard. A health hazard that exists, or has the potential to exist, which should, in the opinion of the Health Officer, be abated or corrected immediately, or at least within a 24 hour period, to prevent possible injury or damage to human health or the environment.

(d) Pollution. The contaminating or rendering unclean or impure the air, land or waters in the County, or making the same injurious to public health, harmful for commercial or recreational use or deleterious to fish, bird, animal or plant life.

(e) Toxic and Hazardous Materials. Any chemical or biological material that is stored, deposited, used or disposed of in such quantity or manner that it is or has the potential to create a health hazard.

(2) HUMAN HEALTH HAZARDS PROHIBITED. No person shall erect, create, cause, continue, maintain or permit any human health hazard within the County. Any person who shall cause, create or maintain a human health hazard, or who shall, in any way, aid or contribute to the causing, creating or maintenance thereof, shall be guilty of a violation of this section and shall be liable for all costs and expenses attendant upon the removal and correction of such a human health hazard and to the penalty provided in s. 25.04, Wis. Stats.

**I have read the materials in this packet and I am aware that if smoke from my outdoor wood-fired furnace creates a public health nuisance or human health hazard, the County of La Crosse may take legal action and order me to permanently discontinue the use of my furnace.**

NAME \_\_\_\_\_

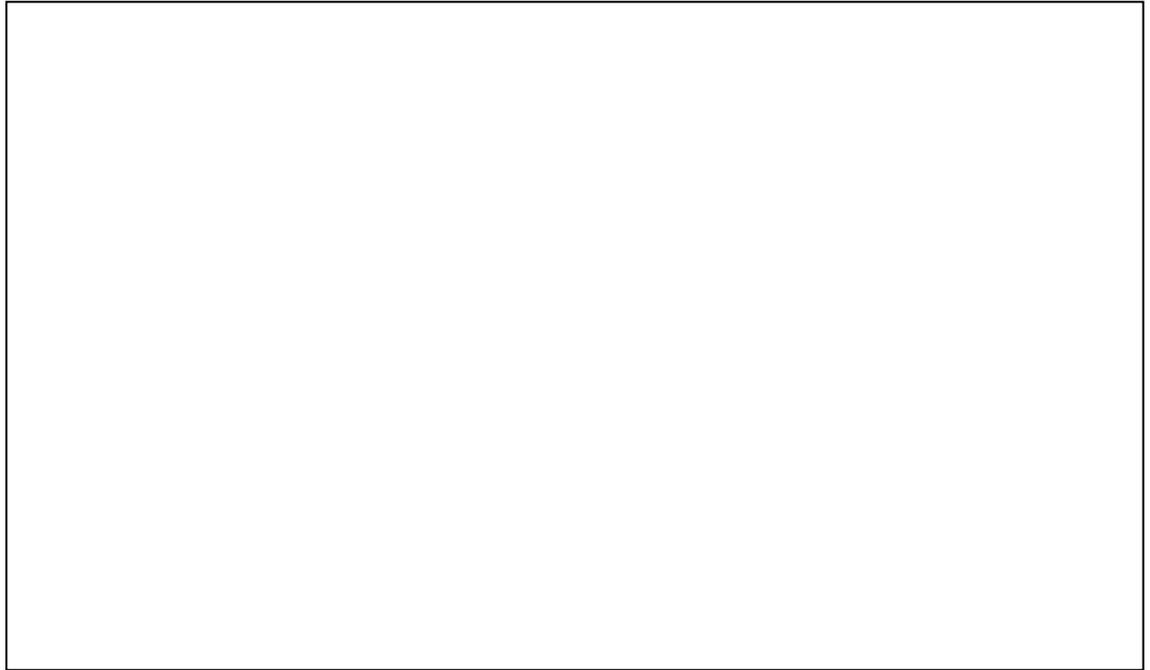
ADDRESS \_\_\_\_\_

SIGN HERE \_\_\_\_\_

(Signature)

\_\_\_\_\_ Date

Provide a sketch below showing the dimensions of the property, locations of buildings and the wood fired furnace location relative to lot lines. Provide distances to all neighboring residences within 500 feet of the furnace.



1. NAME AND ADDRESS PROPERTY OWNER:
  
2. LEGAL DESCRIPTION OF PROPERTY:
  
3. DISTANCE TO NEIGHBORING DWELLINGS:
  
4. FURNACE CHIMNEY HEIGHT:
  
5. FURNACE BRAND, DEALER'S NAME, ADDRESS AND PHONE NUMBER:
  
6. PROPOSED DATE OF INSTALLATION
  
7. COPY OF EPA PHASE II QUALIFIED TAG (FROM MANUFACTURER)