

ORIGINAL

**AN ORDINANCE OF THE TOWN OF VIENNA FOR ADOPTION
OF REGULATIONS REGARDING OUTDOOR HEATING DEVICES**

The Town Board of the Town of Vienna, Dane County, Wisconsin, does hereby ordain as follows:

SECTION 1. INTRODUCTION

A. Purpose

The purpose of this ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort and living conditions of the citizens of the Town of Vienna. It is also to regulate all detached energy devices using fuel such as wood, coal, or other solid fuel, liquid fuel, or waste oil burners, boilers, or furnaces associated with the production of useable heat or energy, which are located outside of the structure for which the heat is to be supplied, either directly or indirectly; and shall be considered an accessory use and shall only be permitted in accordance with the terms and conditions of this Ordinance.

SECTION 2. STANDARDS

A. Location & Setbacks

No outdoor heating device may be constructed or installed within the Hillcrest Acres, Windsor Prairie, Nature Valley or Hickory Meadows subdivisions of the Town of Vienna. On any parcel or lot outside of the aforementioned subdivisions no outdoor heating device shall be constructed or installed without the approval of the Town Board and a permit issued by the Town's building inspector. The Town Board's approval shall be in accordance with the terms and conditions of this ordinance.

On any parcel or lot outside of the aforementioned subdivisions the outdoor heating device shall be constructed or installed at least 500 feet from the nearest building which is not on the same property as the outdoor heating device. Where, in the judgment of the Town Board, it would be inappropriate to apply the provisions of this Ordinance, including the 500 feet, because undue hardship would result, the Town Board may waive or modify any requirements to the extent just and proper.

B. Chimney Height

The outdoor heating device shall have a chimney that extends at least 15 feet above the ground surface. The Town may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

C. Time of Use

The Outdoor Heating Device may only be used between September 1st and June 1st.

D. Fuel/Wood

No person shall burn fuel in any outdoor heating device other than the fuel recommended by the manufacturer. The following fuels are prohibited: trash, plastics, gasoline, naphtha, household garbage, material treated with petroleum products, particle board, railroad ties, telephone poles, pressure treated wood, leaves, paper products and cardboard, or any other material that may cause offensive or noxious odors, smoke, airborne ash or debris.

E. Maintenance

The exterior of any outdoor heating device shall be maintained and kept in good working condition and repair in accordance with the manufacturer's maintenance recommendation. Any storage buildings related to the outdoor heating device will need an additional permit.

SECTION 3. PERMITS

A permit for construction of an outdoor heating device shall be obtained from the Town Building Inspector after receiving approval from the Town Board. The fee for the permit shall be \$50.00. A site plan and setback distances from all property lines, buildings and neighboring residences must be included with the permit request submitted to the Town Board.

SECTION 4. PENALTIES

The Fire Chief and/or the Town Chairman or his/her designee are authorized to enforce the provisions of this ordinance. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than twenty-five dollars (\$25) or more than two hundred fifty dollars (\$250) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses. If any person refuses to pay after being convicted of violating this ordinance, the Town may charge back the cost, fees and/or any penalty including the cost of prosecution as a special charge pursuant to Sec. 66.60(16), Stats.

SECTION 5. SEVERABILITY

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remaining provisions shall not be affected.

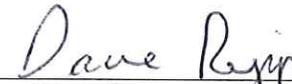
SECTION 5. EFFECTIVE DATE

This ordinance shall be effective the day after publication.

The foregoing ordinance was duly adopted at a regular meeting of the Town Board of the Town of Vienna on September 6, 2011



Lonnie Breggeman, Chairperson

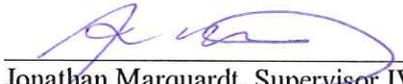


Dave Ripp, Supervisor I

Jeff Freppon, Supervisor II



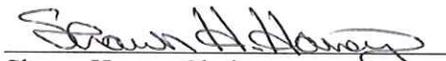
Gary Endres, Supervisor III



Jonathan Marquardt, Supervisor IV

I hereby certify that the foregoing Ordinance for the Regulations regarding Outdoor Heating Devices in the Town of Vienna, Dane County, Wisconsin was published as a Class 1 notice under ch. 985, Wis. Stats., on the 22nd day of September, 2011.

Dated: Sept 22, 2011



Shawn Haney, Clerk