Minutes
Committee #3
Transportation, Construction, Public Safety and Traffic

Committee #3 met Tuesday, April 15, 2014 at 10:30 a.m. in the City Hall Council Chambers, 30 West Central Street, Chippewa Falls, WI.

Council/Committee Members present: Mike Hanke and Bill Hicks.
Others present: Fire Inspector Bill Schulz and City Clerk Bridget Givens.

The meeting was called to order at 10:31 am.

1. **Discuss draft ordinance entitled: An Ordinance Which Adds to the Indoor Solid Material Heating Systems Code Section by Prohibiting the Burning of Rubbish and the Like, Section 23.08(4) of the Chippewa Falls Municipal Code. Possible recommendations to the Council.**

   Motion by Hicks/Hanke to recommend Council adopt the ordinance entitled, An Ordinance Which Adds to the Indoor Solid Material Heating Systems Code Section by Prohibiting the Burning of Rubbish and the Like, Section 23.08(4) of the Chippewa Falls Municipal Code. **All present voting aye, motion carried.**

2. **Discuss draft ordinance entitled: An Ordinance Creating the Solid Fuel-Burning Outdoor Heating Appliances Code Section – Section 23.08(5) of the Chippewa Falls Municipal Code. Possible recommendations to the Council.**

   Fire Inspector Schulz indicated this ordinance had previously been addressed on an annual basis in anticipation of changes from the EPA. The Committee indicated an ordinance has to be in place to be enforceable and it can be addressed again if any EPA changes occur. Additionally, if someone wants a waiver, there is an appeal process through the Committee.

   Motion by Hicks/Hanke to recommend Council adopt the ordinance entitled An Ordinance Creating the Solid Fuel-Burning Outdoor Heating Appliances Code Section – Section 23.08(5) of the Chippewa Falls Municipal Code. **All present voting aye, motion carried.**

3. **Adjournment**

   Motion by Hicks/Hanke to adjourn at 10:50 am. All present voting aye, motion carried.

Minutes submitted by:
Mike Hanke, Chair

ORDINANCE 2014-_____

AN ORDINANCE WHICH ADDS TO THE INDOOR SOLID MATERIAL HEATING SYSTEMS CODE SECTION BY PROHIBITING THE BURNING OF RUBBISH AND THE LIKE, SECTION 23.08(4) OF THE CHIPPEWA FALLS MUNICIPAL CODE

THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN DO ORDAIN AS FOLLOWS:

1. That § 23.08(4) of the Chippewa Falls Municipal Code, relating to Indoor Solid Material Heating Systems, be created to read as follows:

(4) PROHIBITED MATERIALS. The ignition or burning of the following in Indoor Solid Material Heating Systems is strictly prohibited:

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) Asphalt and products containing asphalt.
c) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and containers.

DATED this ___ day of _____, 2014.

ALDERPERSON:_____

FIRST READING:_____

SECOND READING:_____

APPROVED:_____
Gregory S. Hoffman, Mayor

ATTEST:_____
Bridget Givens, City Clerk

ORDINANCE 2014- ____

AN ORDINANCE CREATING THE SOLID FUEL-BURNING OUTDOOR HEATING APPLIANCES CODE SECTION - SECTION 23.08(5) OF THE CHIPPEWA FALLS MUNICIPAL CODE.

THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN, DOES ORDAIN AS FOLLOWS:

1. That Chapter 23.08(5) Solid Fuel-Burning Outdoor Heating Appliances shall be created as follows:

(1) PURPOSE. The Common Council of the City of Chippewa Falls has the authority to exercise its police powers for the general health, welfare and safety of the residents of the City. It is recognized and found that the type of fuel used by and the scale and duration of the burning by solid fuel-burning outdoor heating appliances and the smoke and particulate emissions emanating therefrom create noxious and hazardous smoke, soot, fumes, odors and air pollution that can be detrimental to citizens' health and can deprive neighboring property owners/users of the enjoyment of their property or premises when such appliances are located in an urban setting. Such appliances are hereby declared to be a public nuisance.

(2) DEFINITION. Solid fuel-burning outdoor heating appliance means any equipment, device or apparatus, or any part therof, which is installed or constructed for the purpose of combustion of fuel to produce heat, hot water and/or energy that is used as a component of a heating system providing heat for the interior of a building or a pool, where the equipment, device or apparatus is located outside of the building or pool for which the heat, hot water and/or energy is to be generated. Said appliance shall be deemed to be outdoors, even if it is located in another separate building.

(3) PROHIBITION OF SOLID FUEL-BURNING OUTDOOR HEATING APPLIANCES. It shall be unlawful for any person to install, construct, operate, or use a solid fuel-burning outdoor heating appliance in the City of Chippewa Falls, except as set forth at subsection (4).

(4) NON-CONFORMING USE.

(a) The lawful use or operation of any solid fuel-burning outdoor heating appliance, existing as of the effective date of this section, may be continued, subject to the requirements of this subsection.

(b) The property owner and any solid fuel-burning outdoor heating appliance existing as of the effective date of this section shall, within six (6) months of the effective date of this section, register said appliance with the City of Chippewa Falls building inspector and receive a permit evidencing its status as a non-conforming use under this section.

(c) No non-conforming solid fuel-burning outdoor heating appliance shall hereafter be extended, enlarged or expanded.

(d) Any solid fuel-burning outdoor heating appliance existing as of the effective date of this section, which use has been discontinued for a period of twelve (12) consecutive months, shall not be permitted to be re-established as a non-conforming use, cannot be used or operated, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the solid fuel-burning outdoor heating appliance at the end of said twelve (12) months, the City shall give written notice by certified mail or personal service. Such notice shall provide that such person shall remove the solid fuel-burning outdoor heating appliance within fifteen (15) days of the notice.

(e) Solid fuel-burning outdoor heating appliances permitted to be used or operated pursuant to subsection (4)(a) shall be required to use clean wood or wood specifically permitted by the manufacturer as fuel. Clean wood is defined as natural 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. The use of the following materials as fuel is strictly prohibited:

1. 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.
2. Kerosene, gasoline or other petroleum products.
3. Asphalt and products containing asphalt.
4. Wood or wood products, other than clean wood.
5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane form synthetic fabrics, plastic films and containers.
6. Rubber including tires and synthetic rubber-like products.
7. Newspaper, corrugated cardboard, container board and office paper.

(5) ENFORCEMENT. The fire chief, police chief, public works director, building inspector or their subordinates are authorized to enforce the provisions of this section.

(6) SEVERABILITY. The provisions of this section are severable. If any provision or subsection is held to be invalid or unconstitutional or if the application of any provision or subsection to any person or circumstance is held to be valid or unconstitutional, such holding shall not affect the other provisions, subsections or applications. It is hereby declared to be the intent of the common Council that this section would have been adopted had any invalid or unconstitutional provision or application not been included herein.

2. That this Ordinance shall take effect immediately upon adoption, publication and placement of signs according to law.

DATED this ___ day of _____, 2014.

ALDERPERSON:_____

FIRST READING:_____

SECOND READING:_____

APPROVED:_____
Gregory S. Hoffman, Mayor

ATTEST:_____
Bridget Givens, City Clerk