

MEETING NOTICE

The City of Stoughton will hold a Regular meeting of the **Planning Commission** on **Monday, January 9, 2012 at 6:00 pm** in the **Council Chambers, Second Floor, Public Safety Building, 321 S. Fourth Street, Stoughton WI.**

AGENDA

1. Call to order
 2. Consider approval of the Planning Commission meeting minutes of December 12, 2011 and December 15, 2011.
 3. Council Representative Report.
 4. Meeting Summary & Status of Developments/Projects. (Page 7)
 5. Ilir Banushi requests a conditional use permit to allow indoor commercial entertainment at 800 Nygaard Street (formerly Broux House). (Page 9)
 - Public Hearing
 - Recommendation to Council
 6. Kettle Park West Detailed Neighborhood Plan - Working Draft.
 7. Revisit proposed outdoor furnace installation regulations. (moratorium ended August 10, 2011) (Page 26)
 8. Closed Session – Discuss Town of Rutland boundary agreement.
***The Planning Commission may convene in closed session pursuant to §19.85(1) (e) Wis. Stats to discuss future meetings and negotiations with the Town of Rutland. The Planning Commission will reconvene into Open Session to continue the meeting.**
 9. Future agenda items
 10. Adjournment
- 1/4/12mps

COMMISSIONERS:

| | | |
|--------------------------|---------------|------------------|
| Mayor Donna Olson, Chair | Todd Krcma | Ron Christianson |
| Eric Hohol, Vice-Chair | Dave McKichan | Rollie Odland |
| Scott Truehl | | |

CC:PACKETS:

| | | |
|---------------|--------------------|---------------|
| Rodney Scheel | Michael Stacey (3) | Rollie Odland |
| Todd Krcma | Mayor Donna Olson | |
| Scott Truehl | Dave McKichan | |

E-MAIL NOTICES:

| | | |
|---------------------------|-----------------|-----------------|
| All Department Heads | Council members | Steve Kittelson |
| Area Townships | Stoughton Hub | Derek Westby |
| Pili Hougan | Peter Sveum | Scott Wegner |
| City Attorney Matt Dregne | | |

MAIL NOTICES: JSD Professional Services Inc., Jim Bricker, 161 Horizon Drive, Suite 101, Verona, WI. 53593; Oakbrook Corporation, Charles Redjinski, 2 Science Drive, Madison, WI., 53744; Forward Development Group, LLC, Dennis Steinkraus, 161 Horizon Drive, Suite 101, Verona, WI. 53593; Ilir Banushi, 2404 W. Glenmoor Lane, Janesville, WI. 53545;

IF YOU ARE DISABLED & IN NEED OF ASSISTANCE, PLEASE CALL 873-6677 PRIOR TO THIS MEETING.

NOTE: AN EXPANDED MEETING MAY CONSTITUTE A QUORUM OF THE COUNCIL.

Planning Commission Meeting Minutes

Monday, December 12, 2011 - 6:00 p.m.

Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street, Stoughton, WI.

Members Present: Mayor Donna Olson, Chair; Eric Hohol, Vice-Chair; Rollie Odland; Ron Christianson; Todd Krcma; Dave McKichan and Scott Truehl

Absent and Excused:

Staff: Planning & Development Director, Rodney Scheel; Zoning Administrator, Michael Stacey

Press: Mark Ignatowski

Guests: Gary & Nancy Dvorak; Sue Wacek; Dwight Pautz; Geneva & Sam Braun; Leslie & Jean Mabie; Peter & Laura Burno; Dean Sutton; and Dennis Steinkraus.

1. **Call to order.** Mayor Olson called the meeting to order at 6:00 pm.
2. **Consider approval of the Planning Commission minutes of November 14, 2011 and November 29, 2011.**
Motion by **Christianson** to approve the Planning Commission minutes of November 14, 2011 and November 29, 2011 as presented, 2nd by **Truehl**. Motion carried 6 – 0.
3. **Council Representative Report.**
Hohol reported the Common Council approved the CSM for Kwik Trip and a 1-year extension for the conditional use permit for Sunrise Restaurant.
4. **Status of Developments/Projects.**
Scheel introduced the status of developments. There were no questions.
5. **Preliminary Kettle Park West Detailed Neighborhood Plan.**
Scheel gave an overview of the Kettle Park West Development and introduced Jim Bricker.

McKichan arrived at 6:10pm.

Jim Bricker explained the preliminary detailed neighborhood plan.

The following adjacent property owners asked questions related to the Kettle Park West Development:

Dwight Pautz; Dean Sutton; Sue Wacek and Gary Dvorak.

A discussion took place regarding highway access points, timing of development/annexation, street layout and types of uses. McKichan envisioned Milwaukee Street connecting directly to Highway 138. The next step is to continue through the detailed neighborhood planning process as outlined in the city comprehensive plan.

6. Proposed zoning ordinance amendments.

Scheel gave an overview of the proposed amendments.

Mayor Olson opened the public hearing.

No one spoke or registered for the public hearing.

Mayor Olson closed the public hearing.

Krcma, Odland and McKichan questioned the 5-foot requirement from a side lot line and right of way line for recreational vehicles. Scheel stated these requirements were brought in from the old zoning code and it is unknown where the 5-foot requirement originally came from. Stacey noted there have not historically been many issues related to the 5-foot side yard setback requirement and the 5-foot requirement from a right-of-way is more for pedestrian safety.

Krcma questioned whether a non-roofed structure with seating would be an exempt temporary structure. Scheel stated a stand alone structure without a roof would be exempt. Christianson questioned the height and location standards. Scheel explained the maximum height is half of the maximum height allowable for the specific zoning district while the setback from a private property is 4 feet.

Motion by Hohol to recommend Council approve the zoning ordinance amendment as presented, 2nd by Krcma. Motion carried 5 – 2 (McKichan and Christianson voted no)

7. Closed Session – Discuss Town of Rutland boundary agreement.

Motion by Christianson to close the meeting, 2nd by Hohol. Motion carried 7 – 0

Motion by Christianson to reopen the meeting for the regular course of business, 2nd by Truehl. Motion carried 7 - 0

8. Future agenda items. Kettle Park West Detailed Neighborhood Plan and furnace regulations.

9. Adjournment. Motion by Christianson to adjourn at 7:45 pm, 2nd by Krcma. Motion carried 7 – 0.

Respectfully Submitted,
Michael Stacey

Joint Planning Commission & Town of Rutland Meeting Minutes
Monday, December 15, 2011 - 6:00 p.m.
Public Safety Building, Council Chambers, Second Floor, 321 S. Fourth Street,
Stoughton, WI.

Planning Commission Members Present: Mayor Donna Olson, Chair; Eric Hohol, Vice-Chair; Rollie Odland; Ron Christianson; Todd Krcma; Dave McKichan and Scott Truehl

Town of Rutland Board Members: Dale Beske, Chairperson; Jim Lunde; Jeanette Walker; Milt Sperle; Harley Stockstad – Town Plan Commission; Bruce Sime – Town Plan Commission and Dawn George – Town Clerk.

Absent and Excused: Todd Krcma; and Mayor Donna Olson;

Staff: Planning & Development Director, Rodney Scheel; Zoning Administrator, Michael Stacey

Press: None

Guests: None

1. **Call to order.** Hohol called the meeting to order at 6:00 pm.

2. **Discuss Boundary Agreement with Town of Rutland Board.**

Dale Beske led the discussion for the Rutland Town Board explaining the issues from the Town perspective related to losing tax revenue by future annexations to the City of Stoughton. Beske would like the Town to retain as much commercial property as possible. The Town's total tax base is about \$250 million with approximately 8 to 10% derived from the commercial properties on the west side of USH 51. They want to be able to expand their commercial tax base.

Christianson questioned if the Town has considered commercial growth in areas other than adjacent to the Cities. Beske stated they focused on Hwy 51, then Hwy 14 & 92. He reported that Town residents do not want to see commercial scattered throughout the Town or to create new commercial areas, but expand areas near existing commercial and adjacent to municipalities.

Christianson asked how the Town feels about allowing property owners who want to annex to the City to do so. Beske stated the Town did not oppose the Mabie Farm and 2 houses being included in the Urban Service Area Amendment (USAA) but did not like seeing other existing commercial properties in the Town being included in the USAA.

Odland explained his role over the years related to allowing the commercial businesses to develop along Hwy 51 in the Town of Rutland. Odland recalled the City trying to force development to the east which he believes was foolish. Odland is disappointed he voted for the former boundary agreement since the City's growth has always been and will continue to be to the west. He feels it is important to encourage growth in cities and sees Town development as wasteful of land which requires larger lot sizes than in cities. He believes the City gave the Town the tax revenue for properties such as Stoughton Lumber that developed in the Town instead of in the

City. He is very reluctant to enter into an agreement that limits the City's ability to grow.

Beske stated the former boundary agreement prevented the Town from developing along STH 138 for 1.5 miles west of USH 51. This distance matches the City's Extra-territorial Jurisdiction (ETJ) limits.

Beske stated all Town development adds to the School District tax base.

McKichan talked about the design standard differences between the Town and City with the City being more pedestrian friendly including sidewalks and trails. McKichan questioned why the Town would run the risk of developing next to Cities with the possibility of future annexation. McKichan sees Town development as more "portable" in that such development is not "linked" to water and sanitary sewer "systems."

Beske stated the difference in standards will always be at the edge where Town lands meet City lands. The Town sees lands north of Stoughton Lumber as a good area for future Town development.

Hohol noted that the City does not proactively annex property from the Town rather property owners come to the City.

A discussion took place regarding potential stray voltage from the planned substation along State Hwy 138. The Town asked that the City be completely responsible if issues arise. The Town would like language included in any agreement to address this issue.

A discussion took place regarding the 1 ½ extraterritorial jurisdiction (ETJ) that allows the City to govern development allowed to accommodate orderly future development and the expansion of cities.

Beske stated the Town would like to be able to let property owners split and rezone land within the ETJ area. In addition they do not want to see the ETJ extend to 3 miles that cities can exercise when they become a 3rd class city with a population greater than 10,000. Stoughton can change to a Class 3 City based on population at this time. The Town would like the City to consider freezing the ETJ limits at 1.5 miles for 20 years and for the City to be open to splits and rezoning in the Town in the ETJ area.

Christianson is in favor of keeping the 1 ½ mile ETJ line which causes communities to talk about issues and allows more flexibility for the City to allow for orderly development in this area.

The Town Comp Plan shows they anticipate 257 new households from 2005 to 2024. McKichan questioned how the Town can grow without infrastructure. Beske believes it is possible to develop 2 acre minimum residential lots well in the Town.

Beske stated the Town would like the City to pay for improvements and maintenance for Oak Opening Drive as City development connects to this road. Christianson stated it is a two way street and would the Town be willing to start installing streets to City standards. McKichan stated it is necessary to evaluate what is causing Town roads to deteriorate such as large truck traffic and what standards were used to construct the road.

Hohol questioned what would be the benefit of an agreement for the City. Beske stated the City already got it, the 250 acre USAA and the loss of Town tax base will reduce their ability to support Fire, Senior Center and Youth Center contributions.

Beske stated the Town will be soliciting comments for their Comp Plan update in January.

3. **Future agenda items.** The group is considering a follow-up meeting for the week of February 20, 2012.
4. **Adjournment.** Motion by Christianson to adjourn at 7:45 pm, 2nd by Hohol. Motion carried 5 – 0.

Respectfully Submitted,
Rodney Scheel



CITY OF STOUGHTON
DEPARTMENT OF
PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589

(608) 873-6619

www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR

Date: January 4, 2012

To: Planning Commission Members

From: Rodney J. Scheel
Director of Planning & Development

Michael Stacey
Zoning Administrator/Assistant Planner

Subject: January 9, 2012 Planning Commission Meeting - Status of Developments and Meeting Summary.

Status of Developments:

- West View Ridge - 29 improved lots remaining.
- Stone Crest - 11 improved lots remaining.
- Proposed Kettle Park West development – on agenda
- Park Place New Building under construction (BPN)
- Gundlach building addition (BPN)
- McDonalds addition

Department of Planning & Development Information:

Planning staff has been working primarily on the following:

- Building maintenance.
- Kettle Park West Development.
- Continued building and zoning inspections.
- Census Boundary and Annexation Survey Response.
- Sidewalk Inspections.
- Zoning Ordinance Amendments.
- Building & Zoning permit fee increases.
- Conditional use request for 800 Nygaard Street (formerly Broux House)

Meeting Summary:

Item #5 – Ilir Banushi requests a conditional use permit to allow indoor commercial entertainment at 800 Nygaard Street (formerly Broux House). The applicant proposes to open a restaurant/bar with the ability to use the existing deck for outdoor eating and drinking similar to the past use. A public hearing and recommendation to Council are required.

Item #6 - Working Draft - Kettle Park West Detailed Neighborhood Plan.

Jim Bricker of JSD Professional Services will be presenting a working draft of the detailed neighborhood plan.

Item #7 – Revisit proposed outdoor furnace installation regulations. (moratorium ended August 10, 2011)

The proposed ordinance amendment and related materials are provided.

Item #8 - Closed Session – Discuss Town of Rutland boundary agreement.

Discussion will be related to past and future boundary agreement meetings with the Town of Rutland.

CITY OF STOUGHTON, 381 E. MAIN STREET, STOUGHTON, WISCONSIN

RESOLUTION OF THE PLAN COMMISSION

Approving a Conditional Use Permit to allow indoor commercial entertainment by Ilir Banushi, owner at 800 Nygaard Street, Stoughton, Wisconsin.

Committee Action:

Fiscal Impact: None.

File Number: R- -2012

Date Introduced: January 24, 2012

WHEREAS, on January 9, 2012 the City of Stoughton Planning Commission held a public hearing and reviewed the Conditional Use Permit request by Ilir Banushi, for property located at 800 Nygaard Street, Stoughton, Wisconsin; and

WHEREAS, the Conditional Use application was reviewed by the City Zoning Administrator and found to be in compliance with the City Zoning ordinance; and

WHEREAS, the Comprehensive Plan, Planned Land Use Map is used as a guide for the general pattern of permanent zoning as determined by the Planning Commission and Common Council. The Comprehensive Plan depicts this property as Planned Business which is consistent with the existing Planned Business zoning classification. The City Zoning Administrator has confirmed the proposed indoor commercial entertainment use is consistent with the City's Comprehensive Plan; now therefore

BE IT RESOLVED, by the City of Stoughton Common Council that the Conditional Use Permit request for an indoor commercial entertainment business by Ilir Banushi, for property located at 800 Nygaard Street, Stoughton, Wisconsin, is hereby approved, contingent on the following:

1.

Council Action: ☐ Adopted ☐ Failed **Vote** _____

Mayoral Action: ☐ Accept ☐ Veto

Donna Olson, Mayor

Date

Council Action: _____ ☐ Override **Vote** _____

PUBLIC HEARING NOTICE

The City of Stoughton Planning Commission will hold a Public Hearing on Monday, January 9, 2012 at 6:00 o'clock p.m., or as soon after as the matter may be heard, in the Council Chambers, Public Safety Building, 321 South Fourth Street, Second Floor, Stoughton, Wisconsin, 53589, to consider a proposed Conditional Use Permit Application to allow indoor commercial entertainment at 800 Nygaard Street (Formerly Broux House), Stoughton by Ilir Banushi, future owner (applicant). The applicant proposes to open a restaurant/bar with the ability to use the existing deck for outdoor eating and drinking similar to the past use. The property is more fully described as follows:

Parcel Number: 281/0511-063-2165-2- LOT 1 CSM 11371 CS69/52&54-4/8/2005 F/K/A DVORAK'S ADDITION LOTS 26, 27 & 28 DESCR AS SEC 6-5-11 PRT SW1/4NW1/4 & PRT NW1/4SW1/4 (1.620 ACRES) SUBJ TO AGREEMENT W/ WI DOT IN DOC #4123888

For questions regarding this notice please contact Michael Stacey, Zoning Administrator at 608-646-0421

Michael P. Stacey
Zoning Administrator

Published December 22, 2011 Hub
Published December 29, 2011 Hub

Public Agency Access System

Public Access | Public Agency Access | Subscription Access | Log Out

Friday, December 16, 2011

Parcel information updated on Friday, December 16, 2011 unless otherwise noted.

Parcel Number - 281/0511-063-2165-2[Return to Previous Page](#)**Parcel Status: Active Parcel**[Show Map](#)
[Map Questions?](#)**Parcel Information**

| | |
|-------------------------|--|
| Municipality | CITY OF STOUGHTON |
| State Municipality Code | 281 |
| Township | 05 |
| Township Direction | N |
| Range | 11 |
| Range Direction | E |
| Section | 06 |
| Quarter | SW |
| Quarter-Quarter | NW |
| Plat Name | CSM 11371 |
| Block/Building | |
| Lot | 1 |
| Restrictive Covenants | Show Restrictions for this Plat, CSM, or Quarter |

Zoning Information

Contact your local city or village office for municipal zoning information.

Owner Name and Address

| | |
|------------------|--------------------------|
| Owner Status | CURRENT OWNER |
| Name | WISCONSIN COMMUNITY BANK |
| Property Address | 580 N MAIN ST |
| City State Zip | COTTAGE GROVE, WI 53527 |
| Country | USA |
| | - Edit Owner Address |

Parcel Address

| | |
|-----------------|-----------------------|
| Primary Address | 800 NYGAARD ST |
| | - Edit Parcel Address |
| | - Add More Addresses |

Billing Address

| | |
|----------------|------------------------|
| Attention | C/O DIANE L BALDWIN |
| Street | 1301 CENTRAL AVE |
| City State Zip | DUBUQUE, IA 52001 |
| Country | USA |
| | - Edit Billing Address |

Assessment Information

| | | |
|--------------------------|----------------|----------------|
| Assessment Year | 2011 | 2010 |
| Valuation Classification | G2 | G2 |
| Assessment Acres | 1.62 | 1.62 |
| Land Value | \$316,900.00 | \$316,900.00 |
| Improved Value | \$856,100.00 | \$856,100.00 |
| Total Value | \$1,173,000.00 | \$1,173,000.00 |
| Valuation Date | 04/05/2011 | 03/24/2010 |

[About Annual Assessments](#)**Tax Information****2011 Tax Values**

| Category | Assessed Value | Average Assessment Ratio | Estimated Fair Market Value |
|-------------|------------------|--------------------------|-----------------------------|
| Land | \$316,900.00 / | 0.9676 | \$327,512.00 |
| Improvement | \$856,100.00 / | 0.9676 | \$884,767.00 |
| Total | \$1,173,000.00 / | 0.9676 | \$1,212,278.00 |

| | |
|------------------------------|-------------|
| 2011 Taxes: | \$25,428.82 |
| 2011 Lottery Credit(-): | \$0.00 |
| 2011 First Dollar Credit(-): | \$68.49 |
| 2011 Specials(+): | \$0.00 |
| 2011 Amount: | \$25,360.33 |

[Show Tax Information Details](#)[Show Tax Payment History](#)**District Information**

| Type | State Code | Description |
|-------------------|------------|-----------------------|
| TECHNICAL COLLEGE | 0400 | MADISON TECH COLLEGE |
| SCHOOL DISTRICT | 5621 | STOUGHTON SCHOOL DIST |

Tax Property Description

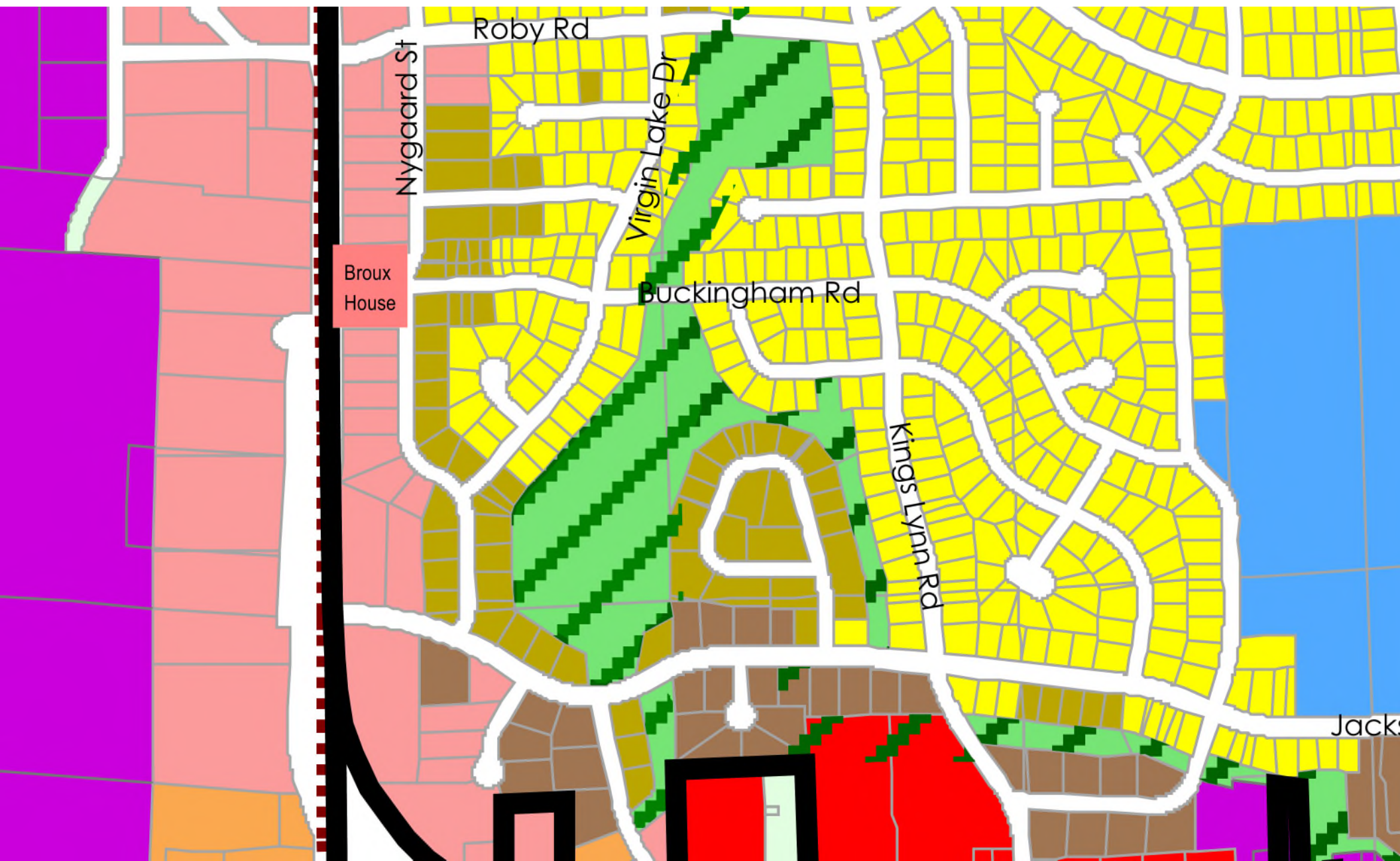
For a complete legal description, see the recorded documents
 LOT 1 CSM 11371 CS69/52&54-4/8/2005 F/K/A DVORAK'S ADDITION
 LOTS 26, 27 & 28 DESCR AS SEC 6-5-11 PRT SW1/4NW1/4 & PRT
 NW1/4SW1/4 (1.620 ACRES) SUBJ TO AGREEMENT W/ WI DOT IN
 DOC #4123888

Recorded Documents

| Doc.Type | Date Recorded | Doc. Number | Volume | Page |
|----------|---------------|-------------|--------|------|
| WD | 09/11/2009 | 4594344 | | |

[Document Types and their Abbreviations](#)
[Document Types and their Definitions](#)

- For questions on property and assessment information, contact [Real Property Listing](#)



City of Stoughton Procedural Checklist for Conditional Use Review and Approval (Requirements per Section 78-905)

This form is designed to be used by the Applicant as a guide to submitting a complete application for a conditional use *and* by the City to process said application. Parts II and III are to be used by the Applicant to submit a complete application; Parts I - IV are to be used by the City when processing said application.

Name of Applicant: ILir Banushi 608 921-4547

Conditional Use Requested: Indoor Commercial Entertainment

I. Record of Administrative Procedures for City Use

Presubmittal staff meeting scheduled

Date of Meeting: 12/16/11 Time of Meeting: 4:00 pm By: mps

Follow-up staff meeting scheduled if necessary

Date of Meeting: _____ Time of Meeting: _____ By: _____ N/A

Application form filed with Zoning Administrator Date: 12/16/11 By: mps

Application fee of \$ 400 received by Zoning Administrator Date: 12/16/11 By: mps

If necessary, reimbursement of consultant costs agreement executed: Date: _____ By: _____ N/A

II Application Submittal Packet Requirements for City and Applicant Use

Prior to submitting the final complete application as certified by the Zoning Administrator, the Applicant shall submit an initial draft application for staff review, followed by one revised final application based upon staff review and comments.

Final Application (1 copy to Zoning Administrator) Date: 12/16/11 By: mps



☒ (a) **A map of the proposed conditional use:**

- ☒ Showing all lands for which the zoning is proposed to be amended. CUP
- ☒ Showing all other lands within 300 feet of the boundaries of the subject property. STAFF
- ☒ Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Dane County (as provided by the City of Stoughton). STAFF
- ☒ Map and all its parts are clearly reproducible with a photocopier.
- ☒ Map size of 11" by 17" and map scale not less than one inch equals 100 ft. N/A
- ☒ All lot dimensions of the subject property provided.
- ☒ Graphic scale and north arrow provided.

- ☒ (b) A map, such as the Planned Land Use Map, of the generalized location of the subject property in relation to the City as a whole.
- ☒ (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations
- ☒ (d) A site plan (conforming to the requirements of Section 78-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a large development (per Sections 78-205(11)) or a group development (per Section 78-205(12)) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 78-908.
- ☒ (e) Written justification for the proposed conditional use:
 - ☒ Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Stoughton Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 78-905(4)

III Justification of the Proposed Zoning Ordinance Amendment for Applicant Use

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

Our proposed conditional use is to open a restaurant/bar that is in harmony with the City of Stoughton. We would like to create an environment that creates jobs, keeps business in Stoughton and creates tax revenue.

2. How is the proposed conditional use, in its specific location, in harmony with the purposes, goals, objectives, policies and standards of the City of Stoughton Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

Our business will be compliant with the city ordinances as the location was intended for initial use.

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 78-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

Our business will not have an adverse impact on the above noted factors, considering the same location was previously a restaurant/bar and zoned for that use.

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

The property is in compliance with all the cities regulations.

5. Is the proposed conditional use located in an area that will be adequately served by and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

The property is in compliance with all codes.

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 78-905(4)(b)1.5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

yes

IV. Final Application Packet Information for City Use

Receipt of 20 reduced (8.5" by 11" text and 11" by 17" graphics) copies of final application packet by Zoning Administrator Date: 12/16/11 By: MPS

Notified Neighboring Property Owners (within 300 feet) Date: 12/27/11 By: MPS

Notified Neighboring Township Clerks (within 1,000 feet) Date: 12/27/11 By: MPS

Class 2 legal notice sent to official newspaper by ^{P/Planning}~~City Clerk~~ ^{Dept.} Date: 12/19/11 By: MPS

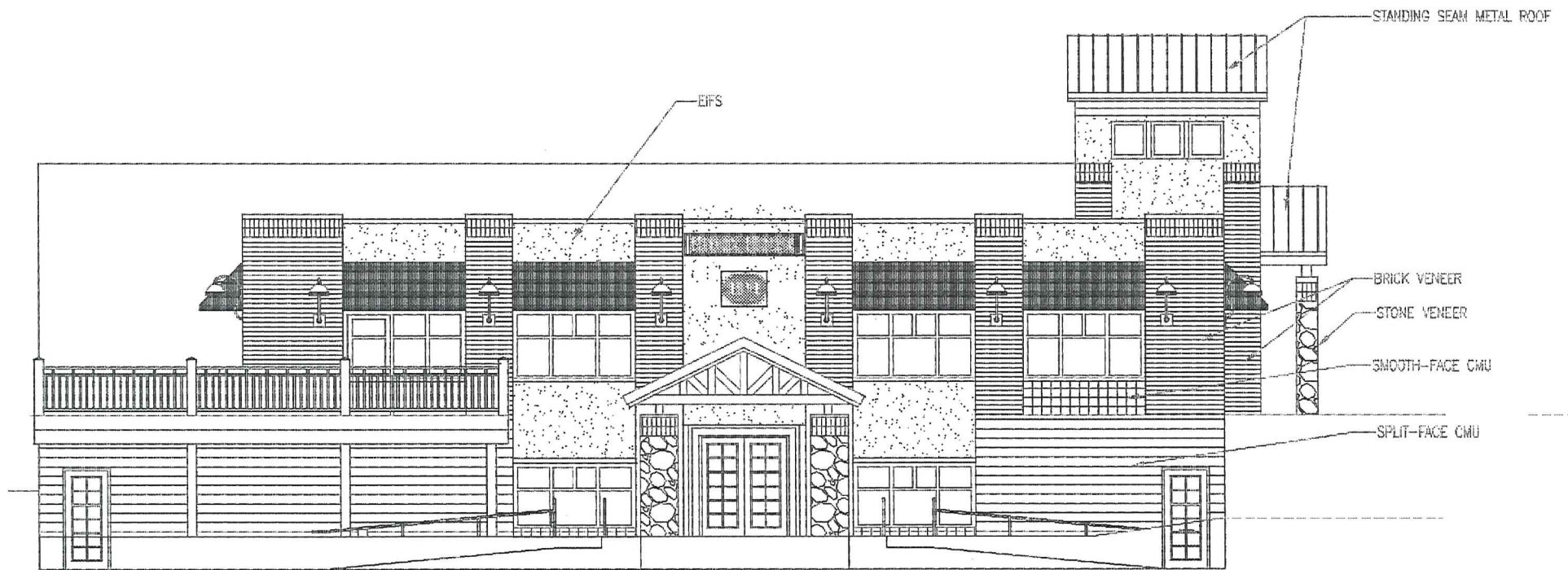
Class 2 legal notice published on 12/22/11 and 12/29/11 By: MPS

Conditional Use recorded with the County Register of Deeds Office By: _____

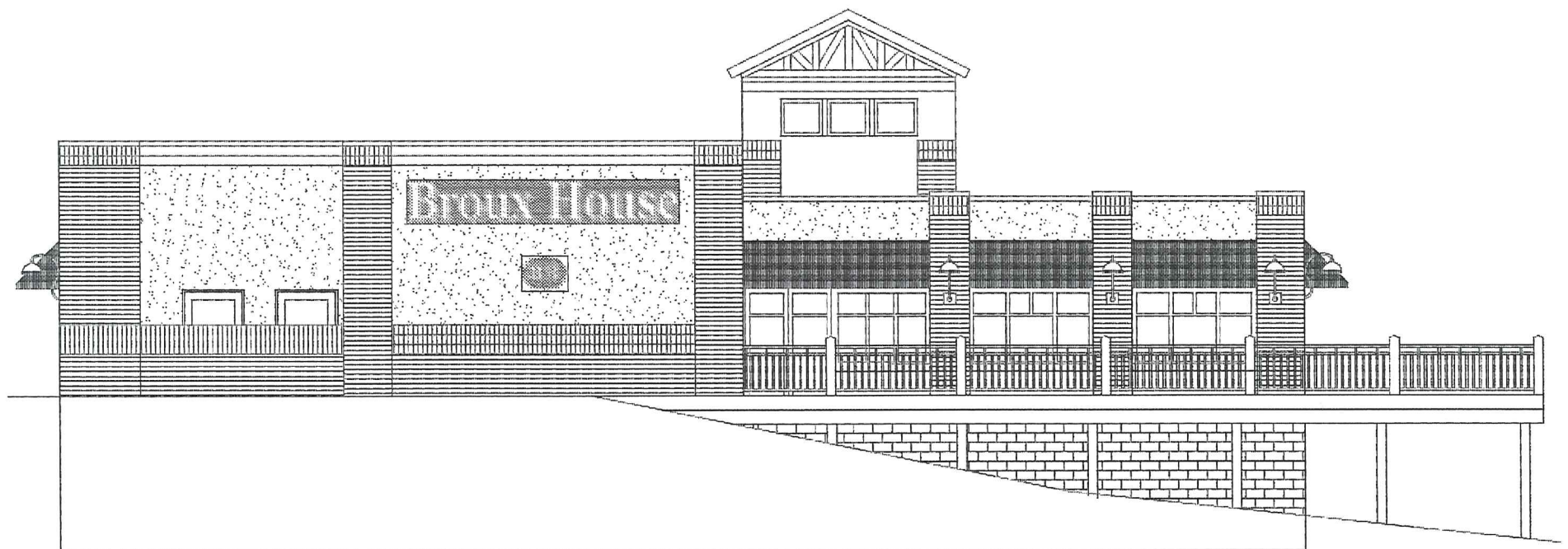
PROPERTY PHOTOS







south elevation

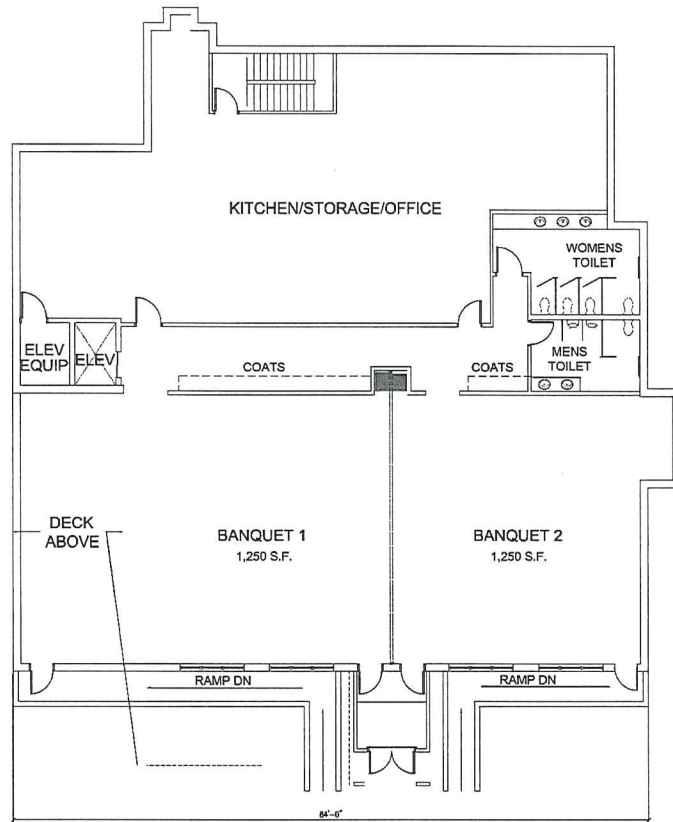


west Stoughton Rd. elevation

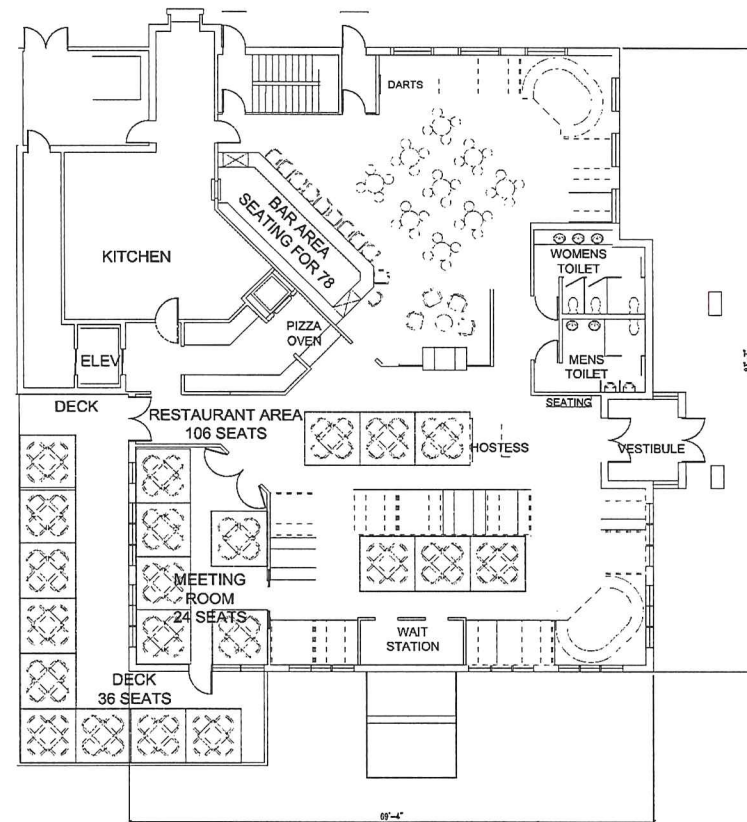


north elevation





LOWER LEVEL
GROSS AREA = 6,775



UPPER LEVEL
GROSS AREA = 6,229

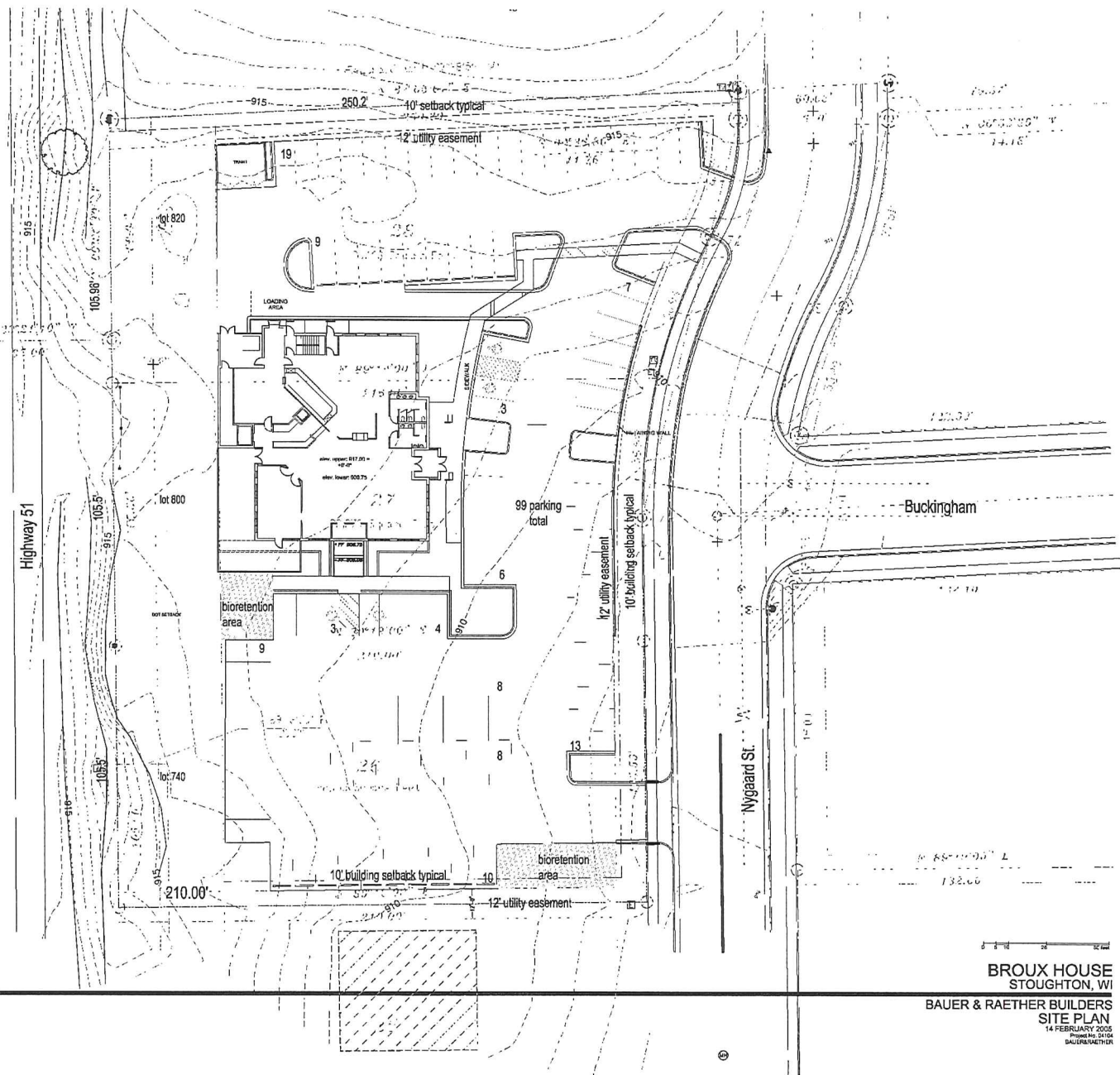
DIMENSION IV-MADISON
Architecture, Engineering and Interior Design
313 West Beltline Hwy., Suite 161
Madison, WI 53713
phone (608) 229-4444 fax (608) 229-4445

RESTAURANT/ RETAIL DESIGN
BAUER & RAETHER BUILDERS

STOUGHTON, WI
SITE PLAN

14 February 05
Project No. 04-104
BAUER&RAETHER

DIMENSION IV-MADISON
 Architecture, Engineering and Interior Design
 313 West Bellvue Hwy., Suite 161
 Madison, WI 53713
 phone (608) 228-4444 fax (608) 228-4445



BROUX HOUSE
 STOUGHTON, WI
BAUER & RAETHER BUILDERS
SITE PLAN
 14 FEBRUARY 2005
 Project No. 04-04
 SAGINAW/ETHAN



CITY OF STOUGHTON
DEPARTMENT OF PLANNING & DEVELOPMENT
381 East Main Street, Stoughton, WI. 53589
www.cityofstoughton.com/planning

RODNEY J. SCHEEL
DIRECTOR
(608) 873-6619
fax: (608) 873-5519

December 28, 2011

Ilir Banushi
2404 W. Glenmoor Lane
Janesville, WI. 53545

Dear Mr. Banushi:

I have completed a review of the proposed conditional use permit request for 800 Nygaard Street (formerly Broux House), Stoughton. Application received December 16, 2011. This item is scheduled for the January 9, 2012 Planning Commission meeting of which you will receive notice. You and/or a representative are required to attend the meeting. The following items are identified for your review.

1. The property at 800 Nygaard Street is zoned PB – Planned Business. Per Zoning Code section 78-206 (4) (h) Indoor Commercial Entertainment such as Restaurants & Taverns are permitted as a conditional use within the Planned Business district. The Planning Commission will conduct a public hearing and review your request for a conditional use permit to expand the tavern use. The Commission will send a recommendation to the City Council. The City Council should make their decision on January 24, 2012.
2. Indoor Commercial Entertainment is defined as follows: Indoor commercial entertainment land uses include all land uses which provide entertainment services primarily within an enclosed building. Outdoor seating or patio areas associated with a proposed indoor commercial entertainment land use shall be allowed subject to city approval of a site plan showing any such proposed outdoor seating or patio area. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, health or fitness centers, all forms of training studios (dance, art, martial arts, etc.), bowling alleys, arcades, roller rinks, and pool halls.
The City Council can place conditions on the use related to the operating hours for outdoor patio areas; screening; lighting, etc...
3. The regulations pertaining to Indoor Commercial Entertainment uses are as follows:
 - If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
 - Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property.

There are no residentially zoned properties abutting the subject property; however we need to be mindful of the residential properties located across Nygaard Street. We have not had any complaints related to zoning in the past.

4. The City Comprehensive Plan Planned Land Use Map depicts this property as Planned Business which is consistent with the zoning and use.

The proposed conditional use is in harmony with the purposes, goals, objectives and standards of the Comprehensive Plan and Zoning Ordinance.

5. **Check with Building Inspector Steve Kittelson at 608-873-7626 to find out if State approvals are necessary prior to any remodeling. City of Stoughton building permits are necessary prior to any remodeling.**

If you have any questions, please contact me at 608-646-0421

Sincerely,
City of Stoughton

Michael P. Stacey

Michael P. Stacey
Zoning Administrator//Assistant Planner

cc. Planning Commissioners

license to St. Ann's Fall Festival on September 18, 2010. Motion carried unanimously by acclamation.

Moved by Hohol, seconded by Weiss to adopt the following ordinance amendments regarding the keeping of backyard chickens, as presented: Amend sections 78-105(2)(a)3a; 78-105(2)(b)3a; 78-105(2)(c)3a; 78-105(2)(e)4a and 78-206(8)(y) land uses permitted; section 6-2 keeping of animals and fowl, bees prohibited; section 14-461 license fees; and annual license application to keep chickens. Motion carried 7 to 4 on roll with Alderpersons Christianson, McKichan, Olstad, and Swangstu voting no.

Moved by Hohol, seconded by Christianson to adopt an ordinance to amend sections 78-206(4) (h); 78-105(4) (b) 2b; and 78-105(4) (c) 2b regarding indoor and outdoor commercial entertainment, as presented. Motion carried unanimously on roll call.

Moved by Hohol, seconded by Jensen to adopt an ordinance to create section 10-15 of chapter 10 regarding buildings and building regulations regarding outdoor solid fuel-fired heating furnaces, as presented.

Moved by Jensen, seconded by Olstad to amend the original motion and add a 3 year sunset clause on the ordinance. Motion to amend failed 5 to 6 on roll call with Alderpersons Christianson, Hohol, Lawrence, McKichan, Swangstu, and Tone voting no.

Moved by Hohol, seconded by Christianson, to adopt an ordinance to create section 10-15 of chapter 10 regarding buildings and building regulations regarding outdoor solid fuel-fired heating furnaces, as presented. Motion failed 2-9 with Carter, Christianson, Jensen, Lawrence, McKichan, Olstad, Swangstu, Tone, and Weiss voting no.

Moved by McKichan, seconded by Olstad, to direct the Planning Department to place a moratorium on the issuance of any permits for the installation of new outdoor furnace installations for one year from date of passage. Motion carried unanimously by roll call.

Moved by Chenoweth, seconded by Christiansen, to adopt an ordinance to amend sections 2-526, 2-527, 2-528, 2-529, 2-530, 74-3 and 74-4 providing for committee management of the Electric, Water and Wastewater Utilities, as presented by the Utilities Committee (the "Committee Management Ordinance") (the Main Motion).

Moved by McKichan, seconded by Tone to amend the Main Motion by substituting, in place of the Committee Management Ordinance, an ordinance to amend sections 2-526, 2-527, 2-528, 2-529, 2-530, 74-3 and 74-4 providing for management of the Electric, Water and Wastewater Utilities by the Common Council (the "Substitute Ordinance"), as presented by City Attorney Matt Dregne

Proposed Ordinance Amendment
O- - 10

AN ORDINANCE TO CREATE SECTION 10-15 OF CHAPTER 10 BUILDINGS AND
BUILDING REGULATIONS, STOUGHTON MUNICIPAL CODE

The Common Council of the City of Stoughton, Dane County, Wisconsin, do ordain
as follows:

1. Section 10-15 of the Stoughton Municipal Code is hereby created and shall read as follows:

Sec. 10-15 ~~Reserved~~. Prohibition on the use of Outdoor solid fuel-fired heating furnace.

Definition: An outdoor solid fuel-fired heating furnace is any equipment, device 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.

1. Regulations:

- (a) It is unlawful for any person to install, use or maintain an outdoor solid fuel-fired heating furnace in the City of Stoughton, Wisconsin.
- (b) If an existing outdoor solid fuel-fired heating furnace was installed prior to the effective date of this ordinance, the furnace may be permitted as a non-conforming installation.
- (c) At such time as the useful life of the non-conforming or pre-existing outdoor solid fuel-fired furnace has elapsed or would need to be repaired to function properly, the unit cannot be repaired or replaced and must be removed from the property within 30 days after the useful life has been determined to have elapsed by the Building Inspector.
- (d) If an existing outdoor solid fuel-fired furnace is determined to be a nuisance by the Building Inspector, the unit must be abandoned, not used, and removed from the property within 30 days of determination. An outdoor furnace may be considered a nuisance for the purpose of protecting public health, safety, comfort and general welfare of the people of the City of Stoughton.

2. This ordinance shall be in force and effect from and after its adoption and publication.

The above and foregoing ordinance was duly adopted by the Common Council of the City of Stoughton at a regular meeting held on the day of , 2010.

VOTE:

APPROVED:

Ayes:

Donna L. Olson, Mayor

Noes:

ATTEST:

Adopted:

Published:

Luann J. Alme, City Clerk

s:\common\mps\ordinancechanges\ch10\ch10 banning outdoor furnaces.doc

Rodney J. Scheel

From: Thomas K. Larson [tlarson@chippewafalls-wi.gov]
Sent: Thursday, December 31, 2009 9:53 AM
To: Scott Wegner; wsfca_members@lists.wsfca.com
Subject: RE: [Wsfca_members] Outdoor Wood Boilers / furnace regulations.

In Chippewa Falls we have been trying to get a permanent ban on the outdoor wood burning boilers/furnances (OWF's) due to the heavy smoke they emit and the air quality issues since 2005. However our City Council feels there is a future generation unit that will not emit the heavy smoke. With that being said, our city council has addressed this issue yearly and always imposes a one year moratorium banning these types of units.

We just met two weeks ago and the council voted to extend the moratorium banning OWF's in the city limits for three more additional years through December 31, 2012.

Thomas K. Larson, Fire Chief
Chippewa Falls Fire & Emergency Services
211 Bay Street
Chippewa Falls, WI 54729
Office (715) 723-5710
Cell (715) 828-0731
FAX (715) 726-2751

From: wsfca_members-bounces@lists.wsfca.com on behalf of swegner@ci.stoughton.wi.us
Sent: Thu 12/31/2009 8:48 AM
To: wsfca_members@lists.wsfca.com
Subject: [Wsfca_members] Outdoor Wood Boilers / furnace regulations.

Hello All,

I am interested in Cities that have regulations and ordinances regarding the permitting, placement and operation of outdoor wood burning boilers / furnaces. I'm having difficulty locating ordinances from Cities in my area. I have plenty of Town Ordinances, DNR regulations and Manufacturers recommendations. Please only Cities reply.

Thank you in advance.

Sincerely,

Scott Wegner

Deputy Chief / Fire Marshal

Stoughton Fire Department

401 E. Main Street

Stoughton WI 53589

swegner@ci.stoughton.wi.us

Cell 608-209-7753

Station 608-873-7218

CHAPTER 8.26**OUTDOOR WOOD BURNING FURNACES PROHIBITED****Sections:**

| | |
|-----------------|--|
| 8.26.010 | Intent and Purpose |
| 8.26.020 | Definition |
| 8.26.030 | State Law Empowerment and Incorporation – Conflicts |
| 8.26.040 | Prohibition of Outdoor Wood Burning Furnaces |
| 8.26.050 | Nonconforming Use. |
| 8.26.060 | Enforcement and Inspections |
| 8.26.070 | Severability |
| 8.26.080 | Effective Date |
| 8.26.090 | Violation – Penalty – Injunctive Relief |

8.26.010 Intent and Purpose. The Common Council of the City of Janesville hereby find that:

- A. It is recognized and found that wood smoke is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of wood smoke.
- B. Reliable scientific studies, including studies conducted by the Environmental Protection Agency (EPA), have shown that breathing wood smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions, including asthmatics and those with obstructive airway disease.
- C. This Chapter is adopted for the purpose of protecting the public health, safety, comfort, and the general welfare of the people of the City of Janesville; educating citizens affected by this ordinance; and assisting property owners and managers in maintaining compliance.

8.26.020 Definition. Outdoor wood burning furnace: A furnace, or similar device, designed and intended, and/or used, through the burning of wood, for the purpose of heating the principal structure or another accessory structure on the premises. These types of furnaces are characterized by a short stack height. They are typically located out-of-doors and are contained in free-standing structures, or enclosed within another accessory structure, such as a garage or corral. This definition includes outside wood burning water stoves.

8.26.030 State Law Empowerment and Incorporated – Conflicts.

- A. This chapter is authorized by Wisconsin Law including, but not limited to, Section 101.123(2) (c) of the Wisconsin State Statutes, as from time to time are amended or renumbered.
- B. Section 101.123 of the Wisconsin State Statutes, as from time to time amended or renumbered, is incorporated herein by reference and made a part of this Chapter as if fully set forth verbatim.
- C. Any action prohibited or required by state law so incorporated herein is prohibited or required, as applicable, by this Chapter.
- D. This Chapter is consistent with the intent and goals of the provisions set forth in Section 101.123 of the Wisconsin State Statutes, as from time to time amended or renumbered. This Chapter also acts as a local supplement to the provisions of the state statutes.
- E. In the event of any conflict between any word, term, definition, provision, section, or requirement specifically set forth in this Chapter and those set forth elsewhere in this Chapter, other ordinances, State Statute or State Administrative Code, and/or the degree permitted by law, the more restrictive shall govern.
- F. In the event of any conflict between any word, term, definition, provision, section or requirement specifically set forth in this Chapter and those set forth in any state statute or state administrative code incorporated into and made a part of this Chapter by reference, the more restrictive provision shall take precedence and govern at all times, to the extent provided by law. In no event, however, shall a prohibition against the use of wood burning furnaces, or a requirement mandated by state statute or state law be modified, waived, or amended by the application of this Chapter.

8.26.040 Prohibition of Outdoor Wood Burning Furnaces in the City of Janesville. It shall be unlawful for any person to operate or use an outdoor wood burning furnace in the City of Janesville.

8.26.050 Nonconforming Use.

- A. Continuation of Nonconforming Uses. The lawful use of any existing “outdoor wood burning furnace” existing at the time of the effective date of this Chapter may be continued, although such use does not conform to the provisions of this law as hereinafter provided.

- B. Extension or enlargement. No non-conforming or pre-existing “outdoor wood burning furnace” shall hereafter be extended, enlarged, or expanded.
- C. Abandonment and discontinuance. Any currently existing and used “outdoor wood burning furnace” which is abandoned or not used for a period of twelve (12) consecutive months shall not be permitted to be re-established as a non-conforming use, cannot be used, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the “outdoor wood burning furnace” by the end of said twelve months, the City of Janesville Code Enforcement Officer shall give written notice by certified mail, personal service, or posting to the property owner upon which the “outdoor wood burning furnace” is located. Such notice shall provide that such person shall remove the same within fifteen (15) days of the notice. Should the “outdoor wood burning furnace” not be removed in the time specified, the Code Enforcement Officer shall arrange for the removal of the “outdoor wood burning furnace.” The cost of said removal shall be charged to the owner of said premises. Said cost if not paid within thirty (30) days shall be assessed and collected in the same manner, by the same proceedings, at the same time, under the same penalties, and having the same lien upon the property so assessed as the General City of Janesville Tax and as a part thereof.
- D. Termination. At such time as the useful life of a non-conforming or pre-existing “outdoor wood burning furnace” has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.

8.26.060 Enforcement and Inspection. The City of Janesville Department of Housing, Building and Neighborhood Services, and affiliated officials shall have the power, whenever they deem it necessary, to enter upon the premises/property to inspect and ascertain compliance with the requirements of this ordinance.

8.26.070 Severability. The provisions of this Chapter are severable. If any provision or section is held to be invalid or unconstitutional or if the application of any provision or section to any person or circumstance is held to be invalid or unconstitutional, such holding shall not affect the other provisions, sections or applications of this Chapter which can be given effect without the invalid or unconstitutional provision, section, or applications. It is hereby declared to be the intent of the Common Council that this Chapter would have been adopted had any invalid or unconstitutional provision or application not been included herein.

8.26.080 Effective Date. This Chapter shall be effective upon adoption by the common council.

8.26.090 Violation – Penalty – Injunctive Relief.

- A. Any owner, proprietor, manager, or other person in charge of or who uses a property in violation of any provision of this Chapter upon conviction shall be required to forfeit and pay not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) plus the costs of prosecution. Each day of violation shall constitute a separate offense for which a separate penalty may be imposed.

- B. Injunctive Relief. Consistent with Section 101.123(9) of the Wisconsin State Statutes, as from time to time amended or renumbered, notwithstanding Section 165.60 of the Wisconsin State Statutes, the City, state, local officials, including, but not limited to, sworn peace officers, building/code inspectors, and any affected party may institute an action in any court with jurisdiction to enjoin repeated violations of this section. The City may also seek, and the court may grant, other related injunctive relief to abate or prevent repeated violations and to seek compliance.

RICE LAKE

**CITY ORDINANCE #08-10
AN ORDINANCE REGULATING THE USE AND INSTALLATION OF
SOLID FUEL-FIRED OUTDOOR HEATING DEVICES**

SEC I.

The Common Council of the City of Rice Lake hereby ordains as follows:

Chapter 182, Pollution, Section 182-3 is hereby created to read as follows:

A. Solid Fuel-fired Outdoor Heating Devices.

- (1) **Intent and Purpose.** The Common Council of the City of Rice Lake 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-fired outdoor heating devices 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 devices are located in an urban setting. Such devices are hereby declared to be a public nuisance.
- (2) **Definition.** Solid fuel-fired outdoor heating device means any equipment, device or apparatus, or any part thereof, 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 for 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 device shall be deemed to be outdoors, even if it is located in a building.
- (3) **Prohibition of Solid Fuel-fired Outdoor Heating Devices.** It shall be unlawful for any person to install, construct, operate or use a solid fuel-fired outdoor heating device within any Residential zoning districts in the City of Rice Lake, except as set forth at subsection (4).
- (4) **Nonconforming Use.**
 - (a) The lawful use or operation of any solid fuel-fired outdoor heating device, existing as of the effective date of this section, may be continued, subject to the requirements of this subsection.
 - (b) The property owner of any solid fuel-fired outdoor heating device existing as of the effective date of this section shall, within six (6) months of the effective date of this section, register said device with the City of Rice Lake building inspector and receive a permit evidencing its status as a non-conforming use under this section. At the time of registration, the applicant shall pay to the City Clerk-Treasurer a fee for as set forth in the fee schedule adopted as part of the annual budget document.
 - (c) No non-conforming solid fuel-fired outdoor heating device shall hereafter be extended, enlarged, or expanded.
 - (d) Any solid fuel-fired outdoor heating device 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-fired outdoor heating device 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-fired outdoor heating device within fifteen (15) days of the notice.
 - (e) Solid fuel-fired outdoor heating devices 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 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 foam, and synthetic fabrics, plastic films and plastic containers.
 6. Rubber including tires and synthetic rubber-like products.
 7. Newspaper, corrugated cardboard, container board and office paper.
- (5) The fire chief, police chief, building inspector or their subordinates are authorized to enforce the provisions of this section.
- (6) Violations shall be subject to penalties in §1-20. This section shall not preclude the City from maintaining any appropriate action to prevent or remove a violation of this section.
- (7) 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 invalid or unconstitutional, such holding shall not affect the other provisions, subsections or applications of this section which can be given effect without the invalid or unconstitutional provision, subsection, 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.

SEC. II

This ordinance shall take effect after its passage and publication as provided by law

SEC. III

Passed, approved and adopted by the Common Council of the City of Rice Lake on the 27th day of May, 2008.

CITY OF RICE LAKE

Daniel J. Fitzgerald, Mayor

ATTEST:

Kathleen V. Morse, MMC/CMTW/WCPC
City Clerk/Treasurer

1st reading – May 13, 2008
2nd reading – May 27, 2008
Publish – June 4, 2008

10.12 PROHIBITION ON USE OF OUTDOOR WOOD-FIRED BOILER (2219 01/24/06, 2222 03/28/06, 2230 07/11/2006)

- (1) For purposes of this ordinance, the following definitions shall apply:
 - (a) An “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, and is regularly used to heat water, or some other substance, that is then conveyed to directly or indirectly heat a building or to heat water. This definition shall not include a furnace or stove providing direct radiant heat, used occasionally for area heating within an accessory building.
 - (a) “Nuisance” means to substantially annoy, injure or endanger the comfort, health, repose or safety of anyone residing or working within 200 feet of the property with the outdoor wood-fired furnace.
 1. No person shall install, use or maintain an outdoor wood-fired furnace in the City of Baraboo.
 2. If an existing outdoor wood-fired furnace was installed and operational prior to the effective date of this ordinance the furnace may be permitted as a non-conforming installation. In that case, the owner of the outdoor wood-fired furnace shall obtain an annual permit in accordance with subsection (4) of this ordinance. A burning permit for a non-conforming installation shall require that the existing outdoor wood-fired furnace may not cause a nuisance. If the City of Baraboo determines that a non-conforming installation is causing a nuisance pursuant to the procedures as set forth in subsection (5) of this ordinance, the permit shall be revoked.
 3. Permitting of Existing Furnace. Any person with an outdoor wood-fired furnace installed and operating prior to January 10, 2006, may apply for a permit to retain the use and operating of the furnace. The permit shall be issued by the City Clerk based upon an application form provided by that office. Permits issued pursuant to this section shall not be transferable to the new owner of an existing furnace. Outdoor wood-fired furnaces shall be subject to the prohibition on the burning of certain materials as set forth in §5.19(5), Code of Ordinances.
 4. Procedure to Revoke Permit. In the event that a complaint is received by the City as to the operation of any outdoor wood-fired furnace with a permit, the complaint shall be referred to the Fire Chief for investigation. The Fire Chief shall then determine whether the operation of the furnace is a nuisance, as defined by this ordinance. In the event that the Fire Chief determines that the operation of the furnace is a nuisance, notice of the revocation of the permit shall be provided to the holder of the permit by certified mail. The holder of the permit shall have the right to appeal the determination of the Fire Chief as to nuisance by filing a petition for review with the Administrative Review Appeals Board of the City as established in Chapter 6, Code of Ordinances, within 15 days of the date of delivery of the notice of revocation.

- (6) Any person who shall violate any of the provisions of this section or who shall permit or allow a violation of this section, shall be subject to a penalty as provided in §25.04 of this Code.

Town of Beloit

ORDINANCE NO. 05-13

AN ORDINANCE AMENDING CHAPTER 15 OF THE CODE OF ORDINANCES OF THE TOWN OF BELOIT BY ADDING A SECTION REGULATING THE PLACEMENT, INSTALLATION, OPERATION AND MAINTENANCE OF OUTDOOR WOOD FIRED FURNACES.

The Board of Supervisors of the Town of Beloit, Rock County, Wisconsin, do ordain as follows:

SECTION I. CHAPTER AMENDED. Chapter 15 of the Code of Ordinances of the Town of Beloit is hereby AMENDED by adding Section 15-1-17 to read as follows:

SEC 15-1-17 OUTDOOR WOOD-FIRED FURNACES

(a). On and after August 1, 2005 no outdoor wood-fired furnace shall be installed, erected or replaced in the Town of Beloit without the owner first obtaining a permit from the Town Building Official for such work and paying a fee for the review and inspection of the furnace installation. The fee shall be established, from time to time, by resolution of the Town Board. The permit shall be visibly displayed on the furnace.

(b). For the purposes of this ordinance an outdoor wood-fired furnace is any furnace, or boiler designed to burn wood, where the unit is not located within a building not intended for habitation by humans or domestic animals.

(c). Only outdoor wood fired furnaces that are UL listed and constructed to meet the latest U.S. Environmental Protection Agency standards shall be permitted. The furnaces shall be installed in accordance with the manufacturer's instructions. All electrical and plumbing shall be performed by qualified personnel and conform to the uniform building, electrical and plumbing codes.

(d). The boiler shall be placed on a non-combustible, poured concrete slab a minimum of four (4) inches thick with at least four (4) inches of compacted, crushed stone as a base.

(e). The unit must be grounded by the electrical wire connections and an independent ground rod with a proper wire to the boiler for additional safety. Electrical wire must be rated and approved for direct burial if it is to be run underground or in wet conditions.

(f). Chimneys shall be a minimum of fifteen feet (15') high as measured from ground level, or exceed the eve height of the tallest building within one hundred feet (100'), which ever is taller. Chimneys must be fitted with spark arresters.

(g). Outdoor Wood Fired Furnaces shall be located no closer than one hundred feet (100') from any property line and fifty feet (50') from any inhabited dwelling on the same property.

(h). The other provisions of this ordinance notwithstanding, all outdoor wood-fired furnaces in operation on or after April 1, 2006 must conform to the minimum chimney standards established herein.

(i). Only clean, dry wood may be used to fire any permitted or unpermitted outdoor wood-fired furnace. Lighter fluids, gasoline and chemicals may not be used to start or fuel the fire. The manufacturers written instructions shall be followed for loading and refueling the fire. The burning of processed wood products, cardboard, trash and plastics are expressly prohibited.

(j). All outdoor wood-fired furnaces, permitted or unpermitted, shall be operated in accordance with the manufactures directions. Any outdoor wood fired furnace in a state of disrepair, or that is damaged to such an extent it does not operate in full conformance with the manufacturers specifications, is a public nuisance and shall be taken out of service and removed from the property.

SECTION II. EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication as provided by law.

ADOPTED this 20th day of June, 2005.

TOWN OF BELOIT, WISCONSIN

Don Wagnard
Town Chairman

Attest: Karyn DeVault
Town Clerk

Published and/or Posted June 20th, 2005