**ORDINANCE # 84**

**AN ORDINANCE REGULATING THE BURNING OF SOLID FUELS IN EXTERNAL SOLID FUEL-FIRED HEATING DEVICES**

THE CITY COUNCIL OF THE CITY OF UNDERWOOD, OTTERTAIL COUNTY, MINNESOTA DOES ORDAIN:

**SECTION 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 the City of Underwood by regulating the air pollution and fire hazards of outdoor fire boilers.

**SECTION 2. Applicability**

This ordinance applies to all outdoor fire boilers within the City of Underwood.

2.1 This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2 This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.

2.3 This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

2.4 This ordinance does not apply to campfires; a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

**SECTION 3. Definitions**

3.1 “External solid fuel-fired heating device” means a device designed for external solid fuel combustion so that usable heat is derived for the interior of a building and includes solid fuel-fired stove, solid fuel-fired cooking stoves, and combination fuel furnaces or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired fireplace logs or wood-burning fireplaces or wood stoves in the interior of a dwelling.

3.2 “Stacks or chimneys” means any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel- fired heating device, especially the part of such a structure extending above a roof.

3.3 “Person” means an individual, partnership, corporation, company or other association.

3.4 “Refuse or garbage” means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter. This would include but not be limited to food wastes, food wraps, packaging, newsprint, cardboard or any paper or paper product with ink or dye, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes; asphalt and products containing asphalt; 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; any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam and synthetic fabrics, plastic films and plastic containers; rubber including tires and synthetic rubber-like products.

**SECTION 4. Permit required**

4.1 The City of Underwood requires any person to obtain a zoning permit for any external solid fuel-fired heating device or external storage unit that is sold, purchased or installed after the this ordinance becomes effective.

4.2 Installation should be made and inspected by a reputable contractor who is knowledgeable about the type of system being installed.

**SECTION 5. Other requirements upon the effective date of this ordinance**

5.1 All external solid fuel-fired heating devices, used, installed or purchased within the city limits of Underwood, Minnesota, are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing. No person shall use an external solid fuel-fired heating device in violation of this paragraph.

5.2 All outdoor external solid fuel-fired heating devices and storage units are subject to public nuisance as described in Ordinance #60.

5.3 Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fire heating device to burn solid fuels other than those solid fuels for which the external solid fuel-fired heating device was designed, is declared a public nuisance.

5.4 The outdoor external solid fuel-fired heating devices shall not be located less than 50 feet from any combustible or structures. Clearance may be reduced to 20 feet provided that the unit is enclosed in a noncombustible building (steel or concrete). The outdoor external solid fuel-fired heating device shall be located at least 25 feet from property line. Persons should check with their individual insurance carrier for any required limits that do not comply with this paragraph and inform the city clerk’s office of individual policy requirements*.*

5.5 All stack or chimneys must be so constructed to withstand high winds or other related elements and according to the specifications of the manufacturer of the external solid fuel-fired heating device. The stack height shall be a minimum of 20 feet, maximum 40 feetabove ground level,but shall also extend 2 feet higher than the height of eaves of the roofs of residences within 440 feet*.* All stacks or chimneys must be of masonry or insulated metal with a minimum 6 inch flue. A factory-built or masonry chimney with a spark arrester screen is also required. No person shall use an external solid fuel-fired heating device in violation of this paragraph.

5.6 Only fuels designed for burning in an external solid fuel-fired heating device may be burned. No garbage or refuse may be burned in an external solid fuel-fired heating device. No person shall use an external solid fuel-fired heating device in violation of this paragraph.

5.7 Ashes removed from a wood heating appliance may contain hot (live) embers which remain live for days. Ashes must be placed in a metal container equipped with a lid or cover.

5.8 Wood/fuel must be stored at least 48 inches away from the external solid fuel- fired heating device. The areas surrounding said unit must be kept clear of combustibles or wood chips, bark and debris.

5.9 No person may use an external solid fuel-fired heating device in the City of Underwood during the months of May, June, July, August, September and October.

**SECTION 6. Severability**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining potions of the ordinance.

**SECTION 7. Liability**

A person utilizing or maintaining an outdoor fire boiler shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

**SECTION 8. Penalty**

Any person convicted or violating a provision of this ordinance is guilty of a misdemeanor and shall be punished by fine of at least$150.00per occurrence plus the costs of prosecution in any case.

**SECTION 9. Effective date**

This ordinance shall rescind Ordinance #74. This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by MN §412.191, subd. 4, as it may be amended from time to time.

Passed and adopted by the Underwood City council this 4th day of August 2014.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Paul Hoff

Mayor

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Anna Kiser

Clerk/Treasurer

A council approved summary of this ordinance was published in the Battle Lake Review on the 17th day of September 2014.