

## § 92.102 REGULATION OF OUTDOOR WOOD BURNING FURNACES.

(A) *Fuel.* The only fuel permitted to be burned is untreated fuel. Wood may not be treated, processed, stained, finished or painted - specifically prohibited woods include plywood, particle board and similar products. Other fuels, such as corn, shall not contain any additives, treatments or chemicals. No petroleum products or processed materials of any kind may be burned.

(B) *EPA approved.* Any outdoor wood burning furnace shall be an EPA certified stove.

(C) *Permitted zones.* Outdoor wood burning furnaces shall only be permitted in R-1 and R-2 zones.

(D) *Property line setbacks.* An outdoor wood burning furnace must be setback a minimum of 50 feet from all property lines.

(E) *Structure setback.* An outdoor wood burning furnace must be setback a minimum of ten feet from any principal or accessory structure.

(F) *Chimney stack height.* An outdoor wood burning furnace shall have a chimney height that extends at least 15 feet above ground level unless the furnace is within 100 feet of a dwelling unit not on the same property of the wood burning furnace. If the furnace is within 100 feet of a dwelling unit of adjacent properties the chimney terminus is to extend above ground level to equal the height of the roofs of all such residences.

(G) *Dates of use.* An outdoor wood burning furnace may not be used from April 15 to October 15 of each year.

(Ord. 248, passed 12-6-2005)

**§ 9-9-4: MATERIALS THAT MAY NOT BE BURNED:**

The following materials may not be burned:

- A. Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, newspaper and paper products, corrugated cardboard, container board, composite shingles, construction or demolition debris or other household, hazardous or business wastes.
- B. Waste oil or other oily wastes.
- 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 rubberlike products.

**§ 9-9-5: AREA OF OPERATION:**

An outdoor wood burner system may be installed and used only in accordance with the following provisions:

- A. The outdoor wood burner must be installed and used on parcels of land that are a minimum of three (3) acres in size and zoned AG-1, agricultural preservation; AG-2, agricultural; or R-1, rural residential.
- B. The outdoor wood burner must be located at least one hundred feet (100') from any property line.
- C. The outdoor wood burner must comply with all applicable laws including, but not limited to, ordinances that prohibit creating a human health hazard or a public nuisance.
- D. The outdoor wood burner must not be located in any required front yard.
- E. The outdoor wood burner must be equipped with properly functioning spark arresters.
- F. The outdoor wood burner must be located on the property in compliance with manufacturer's recommendations and listing requirements for clearance to combustible materials.

G. The outdoor wood burner must be laboratory tested and listed to appropriate safety standards such as Underwriters Laboratories, American National Standards Institute, or Canadian Standards Association.

H. The outdoor wood burner must be EPA outdoor wood qualified at the phase 2 emissions level or latest established phase for U.S. Environmental Protection Agency's voluntary program.

**§ 9-9-6: BUILDING PERMIT REQUIRED:**

A building permit must be obtained to assure that the outdoor wood burner system meets all building and fire codes and manufacturer's specifications for installation.

**§ 9-9-7: APPLICATION FOR BUILDING PERMIT:**

An application for an outdoor wood burner permit must be made pursuant to City Code Section 9-3-1 and in addition, must include the following data:

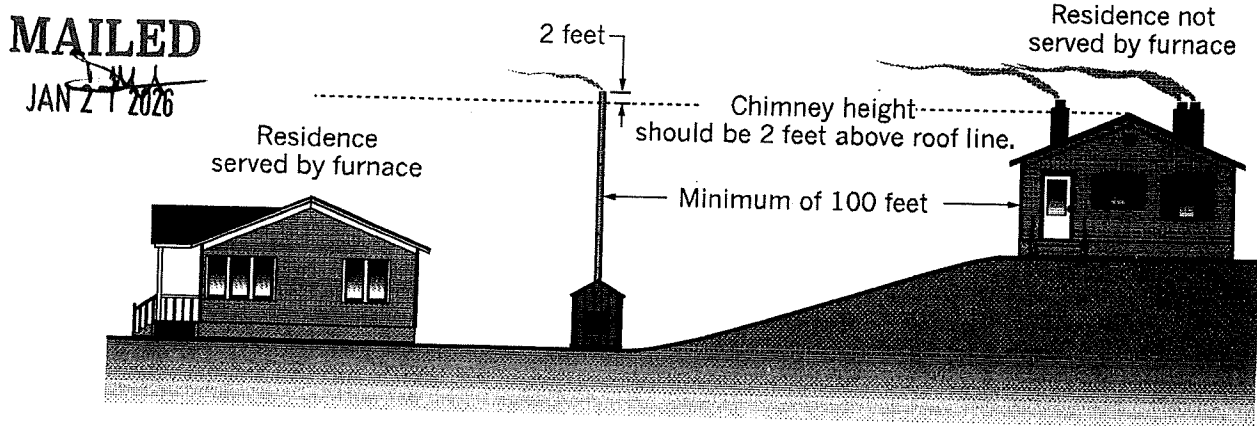
A. A sketch of the dimensions of the property, including location of buildings and the wood burner relative to the lot lines and distances from residences on adjacent properties; and

B. Manufacturer's specifications for installation.

# OUTDOOR WOOD FURNACE BEST BURN PRACTICES

1. Read and follow all operating instructions supplied by the manufacturer.
2. **FUEL USED:** Only those listed fuels recommended by the manufacturer of your unit. Never use the following: trash, plastics, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure treated wood), leaves, paper products, and cardboard.
3. **LOADING FUEL:** For a more efficient burn, pay careful attention to loading times and amounts. Follow the manufacturer's written instructions for recommended loading times and amounts.
4. **STARTERS:** Do not use lighter fluids, gasoline, or chemicals.
5. **LOCATION:** It is recommended that the unit be located with due consideration to the prevailing wind direction.
  - Furnace should be located no less than 100 feet from any residence not served by the furnace.
  - If located within 100 feet to 300 feet to any residence not served by the furnace, it is recommended that the stack be at least 2 feet higher than the peak of that residence.

## Chimney Height Installation Scenario



6. Always remember to comply with all applicable state and local codes.



OUTDOOR FURNACE MANUFACTURERS CAUCUS

July 2006

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**SEC. 10.27. PUBLIC NUISANCE.**

**Subd. 1. Public Nuisance Defined.** Whoever by their act or failure to perform a legal duty does any of the following is guilty of maintaining a public nuisance, which is punishable according to Section 1.03:

1. Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort or repose of any considerable number of members of the public; or
2. Interferes with, obstructs or renders dangerous for passage, any public highway or right-of-way or waters used by the public; or
3. Is guilty of any other act or omission declared by law or this Ordinance to be a public nuisance and for which no sentence is specifically provided.

Source: Ordinance No. 90, Second Series  
Effective Date: February 2, 1999

**Subd. 2. Public Nuisance Affecting Health.** The following are hereby declared to be nuisances affecting health:

1. Exposed accumulation of decaying or unwholesome food or vegetable matter;
2. All diseased animals running at large;
3. Carcasses of animals not buried or destroyed within twenty-four (24) hours after death;
4. Accumulations of manure, refuse or other debris;
5. Privy vaults and garbage cans which are not rodent-free or fly-tight or which are so maintained as to constitute a health hazard or to emit foul and disagreeable odors.
6. The pollution of any public well or cistern, stream or lake, canal or body of waters by sewage, industrial waste or other substances;
7. All noxious weeds and other rank growths or vegetation upon public or private property;

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- quantities;
8. Noxious fumes or smoke, gas and soot or cinders in reasonable quantities;
  9. All public exposure of people having a contagious disease;
  10. Any offensive trade or business as defined by statute not operating under local license.

**Subd. 3. Public Nuisances Affecting Morals and Decency.** The following are hereby declared to be nuisances affecting public morals and decency:

1. All gambling devices, slot machines and punch boards or any other devices under state statutes.
2. Betting, bookmaking and all apparatus used in occupations.
3. All houses kept for the purpose of prostitution or promiscuous sexual intercourse, or any other immoral or illegal purpose.

**Subd. 4. Public Nuisance Affecting Peace and Safety.** The following are declared to be nuisances affecting public peace and safety:

1. Failing to remove snow and ice from public sidewalks sufficient to maintain a three foot wide pedestrian walkway twenty-four (24) hours after the snow or other precipitation causing the condition has ceased to be deposited;

Source: Ordinance No. 254, Second Series  
Effective Date: January 14, 2012

2. All trees, hedges, billboards or other obstructions which prevent people from having a clear view of all traffic approaching an intersection within Corner Triangle as defined in Section 11.01 Subd. 8A. All trees and shrubs shall be pruned to remove branches from the ground to a height of eight feet (8') in any Corner Triangle as defined in Section 11.01, Subd. 8A.

3. All wires and limbs of trees which are so close to the surface of a sidewalk or street as to constitute a danger to pedestrians or vehicles;

4. All unnecessary noises and annoying vibrations;

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5. Obstructions and excavations affecting the ordinary public use of streets, alleys, sidewalks or public groups except under such conditions as are permitted by this Code or other applicable law;
6. Radio aerials or television antennae erected or maintained in a dangerous manner;
7. Any use of property abutting on a public street or sidewalk or any use of a public street or sidewalk which causes large crowds of people to gather, obstructing traffic and the free use of the street or sidewalk;
8. All hanging signs, awnings and other similar structures over streets and sidewalks, or so situated so as to endanger public safety, or not constructed and maintained as provided by Ordinance;
9. The allowing of rain water, ice or snow to fall from any building or structure upon any street or sidewalk or to flow across any sidewalk;
10. Any barbed wire fence less than six (6) feet above the ground and within three (3) feet of a public sidewalk or way;
11. All dangerous, unguarded machinery in any public place, or so situated or operated on a private property as to attract the public;
12. Accumulations in the open of discarded or disused machinery, household appliances, automobile bodies, or other materials, in a manner conducive to the harboring of rats, mice, snakes, or vermin, or the rank growth of vegetation among the items so accumulated, or in a manner creating fire, health or safety hazards from such accumulation;
13. Any well, hole or similar excavation which is left uncovered or in such other condition as to constitute a hazard to any child or other person coming on the premises where it is located;
14. Obstruction to the free flow of water in a natural waterway or a public street drain, gutter or ditch with trash or other materials;
15. The placing or throwing on any street, sidewalk, other public property of any glass, tacks, nails, bottles or other substances which may injure any person or animal or damage any pneumatic tire when passing over such substance;
16. The depositing of garbage or refuse on a public right-of-way or an adjacent private property;
17. The depositing of all household garbage in all City park containers.

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18. All other conditions or things which are likely to cause injury to the person or property of anyone.

Source: Ordinance No. 182, Second Series

Effective Date: September 15, 2005

**Subd. 5. Duties of City Officers.** The (City Engineer, Street Superintendent, Police Department or the designated official) shall enforce the provisions of this Ordinance relating to other nuisances and shall assist the other designated officer(s) in the enforcement of provisions relating to nuisances affecting public safety. Such officers shall have the power to inspect private premises and take all reasonable precautions to prevent the commission and maintenance of public nuisances.

**Subd. 6. Abatement.**

**Section 1. Notice.** Written notice of violation; notice of the time, date, place and subject of any hearing before the City Council; Notice of City Council Order; and Notice of Motion for Summary Enforcement Hearing shall be given as set forth in this Subdivision.

1. Notice of Violation. Written Notice of Violation shall be served by the Officer charged with enforcement on the owner of record or occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Violation, Notice of Violation shall be served by posting it on the premises.

2. Notice of Council Hearing. Written notice of any City Council Hearing to determine or abate nuisance shall be served on the owner of record and occupant of the premises either in person or by certified or registered mail. If the premises is not occupied, the owner of record is unknown, or the owner of record or occupant refuses to accept Notice of Council Hearing, Notice of Council Hearing shall be served by posting it on the premises.

3. Notice of City Council Order. Except for those cases determined by the City to require summary enforcement, written notice of any City Council order shall be made as provided in Minn. Stat. 463.17 (Hazardous and Substandard Building Act).

**Section 2. Procedure.** Whenever the Officer charged with enforcement determines that a public nuisance is being maintained or exists on premises in the City, the Officer shall notify in writing the owner of record or occupant of the premises of such fact and order that such nuisance be terminated or abated. The Notice of Violation shall specify the steps to be taken to abate the nuisance and the time within which the nuisance is to be abated. If the Notice of Violation is not complied with within the time specified, the enforcing Officer shall report that fact forthwith to the Council. Thereafter, the Council may, after notice to the owner or occupant and an opportunity to be heard, determine that the condition identified in the Notice of Violation is a nuisance and further order that if the nuisance is not abated within the time prescribed by the Council the City may seek injunctive relief by serving a copy of the City Council Order and Notice for Summary Enforcement.

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**Section 3. Emergency Procedure; Summary Enforcement.** In case of emergency, where delay in abatement required to complete the notice and procedure requirements set forth in Subdivisions 1 and 2 above will permit a continuing nuisance to unreasonably endanger public health, safety or welfare, the City Council may order Summary Enforcement and abate the nuisance. To proceed with Summary Enforcement, the Officer charged with enforcement shall determine that a public nuisance exists or is being maintained on premises in the City and that delay in abatement of the nuisance will unreasonably endanger public health, safety or welfare. The Enforcement Officer shall notify in writing the occupant or owner of the premises of the nature of the nuisance and of the City's intention to see Summary Enforcement and the time and place of the Council meeting to consider the question of Summary Enforcement. The City Council shall determine whether or not the condition identified in the notice to the owner or occupant is a nuisance, whether public health, safety or welfare will be unreasonably endangered by delay in abatement required to complete the procedure set forth in Subdivision 1 above, and may order that such nuisance be immediately terminated or abated. If the nuisance is not immediately terminated or abated, the City Council may order summary enforcement and abate the nuisance.

**Section 4. Immediate Abatement.** Nothing in Subdivision 6 of this Ordinance shall prevent the City, without notice or other process, from immediately abating any condition which poses an imminent and serious hazard to human life or safety.

**Subd. 7. Recovery of Cost.**

**Section 1. Personal Liability.** The owner of premises on which a nuisance has been abated by the City shall be personally liable for the cost to the City of the abatement, including administrative costs. As soon as the work has been completed and the cost determined, the City Clerk or other official designated by the Council shall prepare a bill for the cost and mail it to the owner. Thereupon the amount shall be immediately due and payable at the office of the City Clerk.

**Section 2. Assessment.** If the nuisance is a public health or safety hazard on private property, the accumulation of snow and ice on public sidewalks, the growth of weeds on private property or outside the traveled portion of streets, or unsound or insect-infected trees, the clerk, shall, on or before September 1 next following abatement of the nuisance, list the total unpaid charges along with all other such charges as well as other charges for current services to be assessed under Minn. Stat. 429.101 against each separate lot, or parcel to which the charges are attributable. The Council may then spread the charges against such property under the statute and other pertinent statutes for certification to the County Auditor and collection along with current taxes the following year or in annual installments, not exceeding ten (10), as the Council may determine in each case.

Source: Ordinance No. 26, Second Series  
Effective Date: April 21, 1993