

ORDINANCE #74

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 external solid fuel-fired heating devises.

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 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, a combination fuel furnace or boiler which burn solid fuel. Solid fuel-fired heating devices do not include natural gas-fired 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 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.

SECTION 4. Requirements.

No external solid fuel-fired heating devices designed and intended and/or used for the purpose of heating the principal structure or any other accessory structure on the premises are allowed to be installed within the City of Underwood.

SECTION 5. Non-conforming Use

- 5.1 At such time as the useful life of a non-conforming wood-burning unit or solid fuel-fired heating device 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.
- 5.2 No pre-existing, non-conforming wood-burning unit or solid fuel-fired heating device shall hereafter be extended, enlarged, or expanded.
- 5.3 The lawful use of any existing wood-burning unit or solid fuel-fired heating device existing at the time of the effective date of this ordinance may be continued, although such use may not conform to the provision of this ordinance.

SECTION 6. Enforcement

The City Maintenance Supervisor, Zoning Administrator, or other designated officials shall enforce the provisions of this ordinance.

SECTION 7. 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 \$150.00 per occurrence plus the costs of prosecution in any case.

SECTION 8. Effective Date

This Ordinance shall take effect upon its passage and publication.

Passed and adopted by the Underwood City Council this 7th day of July, 2008.

Bert Kinzler, Mayor

Anna Kiser, Clerk Treasurer

A council approved summary of this ordinance was published in the Battle Lake Review on the 27th day of August, 2008.