

Ordinance No. 14.25
An Ordinance Regulating the Burning of Solid Fuels in External Solid
Fuel-Fired Heating Devices

WHEREAS, the City of Grey Eagle adopted an ordinance regulating the use of outdoor furnaces as codified at Section 14.25 of the Grey Eagle City Code; and

WHEREAS, based upon environmental and living condition concerns, the City of Grey Eagle imposed a moratorium on the installation of any new outdoor furnaces; and

WHEREAS, the City of Grey Eagle, following public hearing, desires to adopt a comprehensive ordinance regulating the installation, use and maintenance of existing outdoor furnaces; and

WHEREAS, the City of Grey Eagle desires to ban the installation of new outdoor furnaces.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF GREY EAGLE, TODD COUNTY, MINNESOTA DOES ORDAIN:

1. Grey Eagle City Code Section 14.25 is hereby repealed.

FURTHER, THE CITY COUNCIL OF THE CITY OF GREY EAGLE, TODD COUNTY, MINNESOTA DOES ORDAIN THE ADOPTION OF THE FOLLOWING ORDINANCE, SECTION 14.25, REGULATING THE INSTALLATION, USE AND MAINTENANCE OF OUTDOOR FURNACES.

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 Grey Eagle by regulating the air pollution and the fire hazards of outdoor fire boilers.

14.25 OUTDOOR FURNACES. No person shall install nor permit the installation of an Outdoor solid fuel-fire heating devices (SFHD) except as permitted in Conformance with this ordinance.

- Subd. 1. This ordinance applies to any outdoor SFHD, as defined herein, within the City of Grey Eagle, except as follows:
- a. This ordinance shall not apply to cooking or grilling appliances which use charcoal, wood, propane or natural gas used for grilling or cooking food outdoors;
 - b. This ordinance shall not apply to any stove, furnace, fireplace or other heating device located within a residence; and

- c. Any outdoor SFHD installed and in use prior to the date of enactment of this ordinance, subject to the conditions set forth herein.

Subd. 2. Definitions.

“Solid Fuel-Fire Heating Device” (SFHD) 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-fire stoves, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel.

“Stack” means any vertical structure incorporated into a building or upon a SFHD, enclosing a flue or flues that carry off smoke or exhaust from a SFHD, especially the part of such a structure extending above a roof.

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

“Refuse or garbage” means any waste material except trees, logs, bush, stumps, leaves, grass clippings, and other vegetative matter. This would include 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; 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.

Subd. 3. An outdoor SFHD installed and in use prior to the date of enactment of this ordinance, as set forth in Section 14.25 Subd. 1c, is subject to the following requirements and obtain a permit from the City.

- a. The outdoor SFHD must have an appropriate ventilating stack with a minimum stack height of 20 feet above ground level. A stack must be of masonry or insulated metal with a minimum 6 inch flue. A spark arrester screen is required. A stack must be constructed to withstand high winds or other related elements and according to the specifications of the manufacture of the SFHD.

- b. Buildings with less than 25 feet of open space between two or more structures shall have a minimum stack height of 3 feet over and above the roof of the adjacent buildings' highest roof elevation.
- c. Any outdoor SFHD, including its emissions in the form of smoke, cinders and ash, is subject to any nuisance ordinance maintained by the City.
- d. Only fuels designed for burning in the outdoor SFHD may be burned. No refuse or garbage may be burned in a SFHD.
- e. Ashes removed from a SFHD must be placed in a metal container equipped with a lid or cover.
- f. Fuel for the SFHD must be stored at least 4 feet away from the SFHD, and the area surrounding it kept clear of combustibles.

No permit shall issue, nor shall an SFHD continue to be permitted, which is in violation of any section of this ordinance; which is no longer in use; or, which is unusable due to its operating condition. Another SFHD shall not be permitted to replace a previously existing one.

- Subd. 4. 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 portions of this ordinance.
- Subd. 5. A person utilizing or maintaining a SFHD shall be responsible for all fire suppression costs and any other liability resulting from damage caused by fire.
- Subd. 6. In addition to the compliance provisions set forth in Chapter 14, any person violating provisions of this ordinance is guilty of a petty misdemeanor and subject to the maximum penalty as set forth by state statute, plus the costs of prosecution in any case.
- Subd. 7. This ordinance shall take effect upon its passage and publication.

Passed and adopted by the Grey Eagle City Council this 9th day of **March, 2010.**