

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

No. 081808

The City Council of the City of Newfolden ordains as follows:

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 citizens of the City of Newfolden by regulating the installation and use of external solid fuel-fired heating devices.

Section 2. Definitions.

- A) "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 stoves, and combination fuel furnaces or boilers which burn solid fuel.
 - a. 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.
 - b. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
 - c. 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.
 - d. 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.

- B) "Stacks or chimneys" means any vertical flue or flues that carry off smoke or exhaust from a solid fuel-fired heating device, especially, the part the appliance extending above a roof.

- C) "Person" means an individual, partnership, corporation, company, or other association.

- D) "Construction and demolition debris" means building waste materials, including but not limited to waste shingles, insulation, tar paper, wall board, treated wood, painted wood, wiring, plastics, packaging, and rubble of other similar materials that result from construction, remodeling, repair, and demolition operations on a house, commercial, or industrial building, or other structure.

- E) "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

- F) Outdoor Wood-Pellet Furnace: An outdoor wood-pellet furnace that is specifically designed to burn wood pellet fuel, corn, or other biomass pellets with metered fuel and air feed and controlled combustion engineering, which burns only wood pellets, corn or other biomass pellets.

Section 3. Permit Required.

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

Section 4. Minimum Requirements Upon the Effective Date of This Ordinance:

- A) All external solid fuel-fired heating devices, used, installed, or purchased within the city limits of Newfolden, Minnesota, are required to meet emission standards currently required by the Environmental Protection Agency (EPA).
- B) All new external solid fuel-fired heating devices shall be laboratory tested and listed to appropriate standards such as Underwriters Laboratories (UL), CAN/CSA, ANSI or other applicable safety standards.
- C) All outdoor external solid fuel-fired devices and storage units are subject to public nuisance as described in Ordinance 01-03 – Nuisances.
- D) Any smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of any external solid fuel-fired 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.
- E) All stacks or chimneys must be so constructed to withstand high winds or other related elements and according to the specification of the manufacturer of the external solid fuel-fired heating device. The attached permanent stack height shall extend at least **two (2) feet** higher than the roof line of the structure being served and residential or principal buildings with a **one-hundred (100)** foot radius of the external solid fuel-fired heating system. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- F) The external heating device shall be installed at least **ten (10) feet** from the owner's property line.
- G) An external heating device shall be equipped with properly functioning spark arresters if required by the manufacturer.
- H) Only fuels designed for burning in an external solid fuel-fired heating device may be burned. The external heating device shall burn clean wood, 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.
- I) Outdoor wood-pellet furnaces that are specifically designed to burn wood pellet fuel, corn, or other biomass pellets with metered fuel and air feed and controlled combustion engineering shall be installed per the manufacturers' recommendations.

Section 5. Materials that 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, composite shingles, construction or demolition debris or other household or business wastes.

- B) Asphalt and products containing asphalt.
- C) 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.
- D) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- E) Rubber including tires and synthetic rubber-like products.

Section 6. Existing external heating device systems.

- A) Outdoor heating systems installed prior to the adoption of this ordinance shall be operated in compliance with the minimum requirements of this section except that the distance requirements – Section 4E and 4F – of this section shall not apply.
- B) At such time as the useful life of a non-conforming external heating system has elapsed or would need to be replaced. Sections 4E and 4F must be complied with moving forward with a replacement system.

Section 7. Penalty

Any person convicted of violating a provision or the ordinance is guilty of a misdemeanor. Each day a violation occurs is a separate offense.

Adopted by the City Council of the City of Newfolden this 15 day of September 2008.

Mayor

ATTEST:

City Administrator

A council approved summary of this ordinance was published in the Middle River Honker on the ____ day or _____, 20____.

SUMMARY OF CITY OF NEWFOLDEN, MINNESOTA
ORDINANCE #081808

AN ORDINANCE REGULATING THE BURNING OF SOLID FUELS IN EXTERNAL SOLID
FUEL-FIRED HEATING DEVICES AND SOLID FUEL STORAGE.

This ordinance regulates that use of external solid fuel-fired heating devices designed so that usable heat is derived for the interior of a building. A zoning permit is required for any external solid fuel-fired heating device. All outdoor external sold fuel-fired heating devices are subject to public nuisance. The stacks or chimneys must be constructed according to manufacturer's specifications and must be at least 2' higher than the roof-line of any building within a 100' radius of the device. Stacks or chimneys must be made of masonry or insulated metal with a minimum 6" flue and must have a functioning spark arrester if required by the manufacturer. All new external solid-fuel fired heating devices must be installed a minimum of 10' from the owner's property line. Only fuels designed for burning in the device may be burned. Any violation of this ordinance is a misdemeanor. Each day the violation occurs is a separate offense.

This ordinance and summary were passed and adopted by the City Council of Newfolden, County of Marshall, State of Minnesota, on the 15 day of September, 2008. A complete copy of this ordinance is available for inspection at the Newfolden City Office, 145 East First Street, Newfolden, MN 56738.