

**CITY OF ST. AUGUSTA
ORDINANCE #2008-06**

**ESTABLISHING A POLICY ON THE
USE OF OUTDOOR WOOD BURNERS (OWB)**

**THE CITY COUNCIL OF THE CITY OF ST. AUGUSTA, MINNESOTA,
HEREBY ORDAINS:**

Section 1: Purpose: The City of St. Augusta has the responsibility to protect the general health, welfare, and safety of the residents of the City. It is recognized and found that the type of fuel used by and the scale and duration of the burning by outdoor wood burners (OWB) and the smoke and particulate emissions emanating from them create noxious and hazardous smoke, soot, fumes, odors, and air pollution that can be detrimental to the citizens' health, and can deprive neighboring property owners/users of the enjoyment of their property or premises when such devices are located in an urban setting. Such devices are hereby declared to be a public nuisance.

Section 2: Definition: OWB means any equipment, device or apparatus, or any part thereof, which is installed or constructed for the purpose of combustion of fuel to produce heat, hot water, and/or energy that is used as a component of a heating system providing heat for the interior of a building or for a pool, where the equipment, device, or apparatus is located outside of the building or pool for which the heat, hot water, and/or energy is to be generated. Said device shall be deemed to be outdoors, even if it is located in a building.

Section 3: Prohibition of OWB: It shall be unlawful for any person to install, construct, operate, or use an OWB in any of the City's residential zoning districts, except as set forth in Section 4.

Section 4: Non-Conforming Use:

Subdivision 1: The lawful use or operation of any OWB, existing as of the effective date of this ordinance, may be continued, subject to the requirements of this subsection.

Subdivision 2: No non-conforming OWB shall hereafter be extended, enlarged, or expanded.

Subdivision 3: Any OWB existing as of the effective date of this section, which use has been discontinued for a period of twelve (12) consecutive months, shall not be permitted to be re-established as a non-conforming use, cannot be used or operated, and must be immediately removed by the property owner from the subject premises. If the property owner fails to remove the OWB at the end of said twelve (12) months, the City shall give written notice by certified mail or personal service. Such notice shall

provide that such person shall remove OWB within fifteen (15) days of the notice.

Subdivision 4: OWB permitted to be used or operated, pursuant to Subd. 1 of this Section, shall be required to use clean wood or wood/product specifically permitted by the manufacturer as fuel. Clean wood is defined as 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. The use of the following materials as fuel, unless they are specifically engineered as a backup source, is strictly prohibited:

1. 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.
2. Kerosene, gasoline, or petroleum products.
3. Asphalt and products containing asphalt.
4. Wood or wood products, other than clean wood.
5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic film and plastic containers.
6. Rubber, including tires and synthetic rubber-like products.
7. Newspaper, corrugated cardboard, container board, and office paper.

Section 5: Permissible Uses: An OWB furnace may be installed and used in the City of St. Augusta only in accordance with the following provisions:

Subdivision 1: The OWB shall be installed and used only in an area zoned for Agricultural, Commercial or Industrial with an administrative permit.

Subdivision 2: The OWB shall not be used to burn any of the prohibited materials listed in Section 4, subdivision 4 of this ordinance. The burning of prohibited materials will cause the immediate suspension of the administrative permit and the owner will be subject to fine imposed under the Administrative Code Enforcement (Ordinance #2005-12).

Subdivision 3: The OWB shall be located at least two hundred feet (200') from the nearest building which is not on the same property as the OWB.

Subdivision 4: The OWB shall have a chimney that extends at least fifteen feet (15') above the ground surface. If there are any residences within five hundred feet (500'), the chimney shall also extend at least as

high above the ground surface as the height of the roofs of all such residences. The Building Official may approve a lesser height on a case-by-case basis if necessary to comply with the manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

Section 6: Enforcement: The Stearns County Sheriff, the Fire Chief, City Administrator, Building Official, or their subordinates are authorized to enforce the provisions of this ordinance.

Section 7: Effective Date: This ordinance shall be in full force and effective immediately following passage and publication.

Approved by the City Council of the City of St. Augusta this 16th day of December, 2008.

CITY OF ST. AUGUSTA

BY: _____
B. J. Kroll, Mayor

ATTEST:

William R. McCabe, City Administrator