

## SECTION 6

**706.000.** REGULATIONS FOR THE BURNING OF SOLID FUELS IN EXTERNAL SOLID FUEL-FIRED HEATING DEVICES.

**706.001.** **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 Winsted by regulating the air pollution and fire hazards of outdoor fire boilers.

**706.002.** **Applicability.** This ordinance applies to all outdoor fire boilers within the City of Winsted.

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. 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 or animal habitation.
- 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.

**706.003.** **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, solid fuel-fired cooking stoves, and combination fuel furnaces or boilers which burn solid fuel. 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. “Stacks or chimneys” means any vertical structure incorporated into a building and enclosing a flue or flues that carry off smoke or exhaust from a solid fuel- fired heating device, especially the part of such a structure extending above a roof.
- C. “Person” means an individual, partnership, corporation, company or other association.

- D. “Refuse or garbage” means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter. This would include but not be 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.

**706.004. Permit required.**

- A. The City of Winsted requires any person to obtain a permit for any external solid fuel-fired heating device or external storage unit that is sold, purchased or installed after this ordinance becomes effective.
- B. Installation should be made and inspected by a licensed contractor who is knowledgeable about the type of system being installed.

**706.005. Other requirements upon the effective date of this ordinance.**

- A. All external solid fuel-fired heating devices, used, installed or purchase within the city limits of Winsted, Minnesota, are required to meet emission standards currently required by the Environmental Protection Agency (EPA) and Underwriters Laboratories (UL) listing. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- B. All outdoor external solid fuel-fired heating devices and storage units are subject to being a public nuisance as described either in this Municipal Code or Minnesota State Statutes. Winsted shall have such authority to act on such a public nuisance as it is authorized pursuant to said provisions of this Municipal Code and of Minnesota State Statutes.
- C. Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of an external solid fuel-fire 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. The outdoor external solid fuel-fired heating devices shall not be located less than 50 feet from any combustible or structures. Clearance may be reduced to 20 feet provided that the unit is enclosed in a noncombustible building (steel or concrete).

The outdoor external solid fuel-fired heating device shall be located at least 500 feet from the nearest building which is not on the same property as the unit. Persons should check with their individual insurance carrier for any required limits that do not comply with this paragraph and inform the city clerks’ office of individual policy requirements.

- D. All stack or chimneys must be so constructed to withstand high winds or other related elements and according to the specifications of the manufacturer of the external solid fuel-fired heating device. The stack height shall be a minimum of (20 feet) (maximum 40 feet) above ground level, but shall also extend at least as high as the height of the roofs of residents within 500 feet. All stacks or chimneys must be of masonry or insulated metal with a minimum 6-inch flue. A factory-built or masonry chimney with a spark arrester screen is also required. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- E. Only fuels designed for burning in an external solid fuel-fired heating device may be burned. No garbage or refuse may be burned in an external solid fuel-fired heating device. No person shall use an external solid fuel-fired heating device in violation of this paragraph.
- F. Ashes removed from a wood heating appliance may contain hot (live) embers which remain live for days. Ashes must be placed in a metal container equipped with a lid or cover.
- G. Wood/fuel must be stored at least 48 inches away from the external solid fuel-fired heating device. The areas surrounding said unit must be kept clear of combustibles or wood chips, bark and debris.

**706.006. Liability.**

A person utilizing or maintaining an outdoor fire boiler shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

**706.007. Penalty.**

Any violation of provision of this Section 6, the regulations adopted pursuant to same, any state statutes, rules, regulations, and ordinances or rules adopted by the county, shall be guilty of a misdemeanor and subjected to the penalties defined by Minnesota State statutes for a misdemeanor (i.e. currently M.S.A. § 609.02 Subd. 3.)

(Ord. 12-11; 11/20/12)