

SECTION 1037 – OUTDOOR WOOD BURNERS

SECTION:

- 1037.01: Purpose
- 1037.02: Definition
- 1037.03: Prohibition of Outdoor Wood Burners
- 1037.04: Non-conforming Use
- 1037.05: Permissible Uses
- 1037.06: Enforcement

1037.01: PURPOSE: The City of Big Lake 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 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.

1037.02: 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. The definition of the term building shall be as set forth in Chapter 10, Section 1001, Definitions.

1037.03: PROHIBITION OF OUTDOOR WOOD BURNERS: It shall be unlawful for any person to install, construct, operate, or use an OWB in the City’s Residential, Commercial, or I-1 Industrial Park zoning districts, except as set forth in subsection 1037.04.

1037.04: NON-CONFORMING USE:

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

Subd. 2. The property owner of any OWB existing as of the effective date of this section shall, within six (6) months of the effective date of this section, register said device with

the City of Big Lake Building Inspector and receive a permit evidencing its status as a non-conforming use under this section.

Subd. 3. No non-conforming OWB shall hereafter be extended, enlarged, or expanded.

Subd. 4. 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 the OWB within fifteen (15) days of the notice.

Subd. 5. 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 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.

1037.05: PERMISSIBLE USES: An OWB furnace may be installed and used in the City of Big Lake only in accordance with the following provisions:

Subd. 1. The OWB shall be installed and used only in an area zoned for Agricultural with a Conditional Use Permit.

Subd. 2. The OWB shall not be used to burn any of the prohibited materials listed in Section 1037.04, Subd. 5, of this ordinance.

Subd. 3. The OWB shall be located at least five hundred feet (500') from the nearest building which is not on the same property as the OWB.

Subd. 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 manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

1037.06: ENFORCEMENT: The Fire Chief, Police Chief, Public Works Director, Building Official, or their subordinates are authorized to enforce the provisions of this section.