

AN ORDINANCE RELATING TO THE REGULATION OF
OUTDOOR WOOD BURNING FURNACES

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY,
MINNESOTA, DOES ORDAIN:

1125.01 Purpose.

To promote the health, safety and welfare and to safeguard the health, safety and welfare of the citizens of Oak Park Heights with regards to the potential negative effects from outdoor wood burning furnaces.

1125.02 Definitions.

- A. “Outdoor Wood Burning Furnace” means any equipment, device, appliance or apparatus, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuel to produce heat or energy used as a component of a heating system providing heat for any interior space or water source. Not included in this definition are outdoor fireplaces or fire pits, and fireplaces and wood stoves that are installed within a principal or accessory building.
- B. “EPA Phase II Qualified” means an outdoor wood burning furnace that has been certified by the U.S. Environmental Protection Agency as being EPA Phase II qualified. The furnace has met the Phase II emission requirements and is labeled accordingly.
- C. “Clean Wood” means natural, dry wood which has not been painted, varnished or coated in any way, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.
- D. “Refuse” means any waste material except clean wood.

1125.03 Regulations.

- A. Administrative Permit Required.
 - 1. Outdoor wood burning furnaces may be allowed in the City subject to the approval of an Administrative Permit. The consideration involving the approval or denial of such permit shall include:
 - a. The notification of immediately abutting property owners (including those located across a street) and an assessment of the possible negative impacts upon such properties.

- b. The adequacy of the site to accommodate the proposed outdoor wood burning furnace.
 - c. The public health, safety and general welfare concerns posed by the proposed outdoor wood burning furnace.
 - 2. The property owner must submit an application for an Administrative Permit which includes documentation of the type of furnace proposed and a site plan showing proposed furnace location in relation to property lines and existing structures.
 - 3. The Administrative Permit shall be renewed on an annual basis.
- B. All outdoor wood burning furnaces shall be setback at least 100 feet from all property lines and at least 300 feet from the nearest occupied building not served by an outdoor wood burning furnace.
 - C. All outdoor wood burning furnaces shall maintain chimney height that extends at least two (2) feet above the highest peak of the residence for which it serves, or the chimney shall extend at least two (2) feet above the highest peak of any residence not served by the furnace within three hundred (300) feet, whichever is greater.
 - D. All requirements for installation and maintenance shall be met including, but not limited to, local, state and federal regulations and manufacturer's specifications.
 - E. All outdoor wood burning furnaces installed after the effective date of this ordinance shall be EPA Phase II qualified.
 - F. Only clean wood shall be burned in an outdoor wood burning furnace.
 - G. All firewood stored on a property shall be stored in the side yard or rear yard and stacked neatly.
 - H. An outdoor wood burning furnace shall not be operated or maintained in a manner which creates a public nuisance.
 - I. Outdoor wood burning furnaces shall be fully screened from adjacent neighbors and the public right-of-way in accordance with fencing and screening requirements of Section 401.15.E of the Zoning Ordinance.

1125.04

Right of Entry and Inspection.

- A. An officer, agent, employee or representative of the City may inspect any property for the purpose of ascertaining compliance with the provisions of this section.

- B. If the City determines that the operation of a wood boiler system is creating a nuisance or is being operated in a manner hazardous to persons or property, or is not meeting the requirements of this section, the City may revoke Administrative Permit after a hearing is held by the City Council upon ten (10) days written notice given to the property owner.