

## 31.22 OUTDOOR FIRE BOILERS

- A: **PURPOSE:** The purpose of 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 Osakis by regulating the air pollution and fire hazards of outdoor fire boilers.
- B: **APPLICATION:** Outdoor Fire Boilers may be allowed as an accessory use, conditional use within UR (Urban Reserve), R-1 (Low Density Residential), R-2 (Medium Density Residential), C-2 (General Commerce), C-3 (Highway Commercial), and I-1 (General Industrial) districts of the City, subject to the regulations and requirements of this Section.
- C: **DECLARATION OF CONDITIONS:** The City Council may impose such conditions on the granting of Outdoor Fire Boilers conditional use permit as may be necessary to carry out the purpose and provisions of this Section and to maintain compatibility.
- D: **APPLICABILITY:** This ordinance applies to all outdoor fire boilers within the City of Osakis.
1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
  2. 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.
  3. 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.
  4. 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.
- E: **DEFINITIONS:**
1. "Construction and demolition debris" means building waste material, including but not limited to waste shingles, insulation, tar paper, wall board, treated wood, painted wood, wiring, plastics, packaging, and rubber of other similar smoke producing materials that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
  2. "Outdoor fired boiler" means a fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
  3. "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.
- F: **OUTDOOR FIRED BOILERS:** An outdoor fired boiler may be installed and used in the City of Osakis only in accordance with all of the following provisions:
1. The outdoor fired boiler shall be allowed in the following districts: UR (Urban Reserve), R-1 (Low Density Residential), R-2 (Medium Density Residential), C-2 (General Commerce), C-3 (Highway Commercial), and I-1 (General Industrial).
  2. The outdoor fired boiler shall not be used to burn refuse.

3. The outdoor fired boiler shall burn corn or 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.
4. The outdoor fired boiler shall be located at least one hundred (100) feet from any structure which is not on the same property as the outdoor fired boiler and located in the rear yard.
5. The outdoor fired boiler shall have a chimney that extends at least fifteen (15) feet above the ground surface. Installation of the outdoor fire boiler shall be according to the manufacturer's safe operation recommendations.
6. No homemade boilers will be allowed.
7. All burnable material must be stacked neat and orderly or housed within a structure.

G: MATERIALS THAT MAY NOT BE BURNED:

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. Asphalt and products containing asphalt.
3. 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.
4. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.
5. Rubber, including tires and synthetic rubber-like products.

H: SEVERABILITY: If any section, subsection, sentence, clause or phase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

I: 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.

J: PENALTY: Any person convicted or violating a provision of the ordinance is guilty of a misdemeanor and shall be punished by a fine of at least \$150.00 per occurrence plus the costs of prosecution in any case.

PASSED AND ADOPTED by the Osakis City Council on this \_\_\_\_\_ day of July, 2008.

This Ordinance shall become effective on July \_\_\_\_\_, 2008; after being published in the Osakis Review.

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Angela A. Jacobson  
Clerk/Treasurer

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Gary L. Astleford  
Mayor