

**The Board of Supervisors of the Town of Breitung Ordains:**

**OUTDOOR WOODBURNING FURNACES**

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**Purpose**

Although outdoor furnaces may provide an economical alternative to conventional heating systems, concerns have been raised regarding the safety and environmental impacts of these heating devices, particularly the production of offensive odors and potential health effects of uncontrolled emissions. This chapter is intended to ensure that outdoor furnaces are utilized in a manner that does not create a nuisance and is not detrimental to the health, safety, quality of life and general welfare of the residents of the Town.

**2. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**WOOD** — Dry, clean fuel only such as trunks and branches of trees and bushes, cord wood or untreated dimensional lumber, but does not include leaves, needles, vines or brush smaller than one inch in diameter.

**OUTDOOR FURNACE** — Any equipment, device 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.

**UNTREATED LUMBER** — Dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, chemical, preservative, glue, adhesive, stain, paint or other substance.

**3. Permit required.**

No person shall cause, allow or maintain the use of an outdoor furnace within the Town of Breitung without first having obtained a permit from the Town Board. Application for permit shall be made to the Town Board on the forms provided for existing outdoor furnaces only. The Town of Breitung will not issue permits for new outdoor furnaces. Use of new outdoor furnaces is prohibited within the Township of Breitung.

**4. Existing outdoor furnaces.**

Any outdoor furnace in existence on the effective date of this chapter shall be permitted to remain, provided that the owner applies for and receives a permit from the Town Board within one year of such effective date; provided, however, that upon the effective date of this chapter all the provisions hereof shall immediately apply to existing outdoor furnaces. All of the provisions of this chapter shall continue to apply to existing outdoor furnaces which receive permits. If the owner of an existing outdoor furnace does not receive a permit within one year of the effective date of this chapter, the outdoor furnace shall be removed. "Existing" or "in existence" means that the outdoor furnace is in place and in use on the site.

Replacements of existing outdoor furnaces are prohibited within the Township of Breitung and will not receive permits from the Town of Breitung.

**5. Specific requirements.**

A. Permitted fuel. Only firewood and untreated lumber are permitted to be burned in any outdoor furnace. Burning of any and all other materials in an outdoor furnace is prohibited.

B. Months of operation. Outdoor furnaces shall be operated only between October 1 and April 30.

C. The stack of the unit should, at a minimum, be taller than the roofline of all nearby structures. Stacks that are too short do not allow the emissions to adequately disperse.

**6. Suspension of permit.**

A. A permit issued pursuant to this chapter may be suspended as the Town Board may determine to be necessary to protect the public health, safety, quality of life and welfare of the residents of the Town of Breitung if any of the following conditions occurs:

- (1) Malodorous air contaminants from the outdoor furnace are detectable outside the property of the person on whose land the outdoor furnace is located;
- (2) The emissions from the outdoor furnace interfere with the reasonable enjoyment of life or property;
- (3) The emissions from the outdoor furnace cause damage to vegetation or property; or
- (4) The emissions from the outdoor furnace are or may be harmful to human or animal health.

B. A suspended permit may be reinstated once the condition which resulted in suspension is remedied and reasonable assurances are given that such condition will not recur. Recurrence of a condition which has previously resulted in suspension of a permit shall be considered a violation of this chapter subject to the penalties provided as a misdemeanor as defined by Minnesota State Statute.

**7. Waivers.**

Where the Town Board finds that extraordinary and unnecessary hardships may result from strict compliance with this chapter, it may vary the regulations so that substantial justice may be done and the public interest secured, provided that such variations will not have the effect of nullifying the intent and purpose of this chapter or of jeopardizing the health, safety, quality of life or welfare of the public. In varying any regulations, the Board may impose such conditions and requirements as it deems reasonable and prudent. The Board may, at its discretion, hold a public hearing as part of its review. If the Board grants the waiver, a permit shall be issued for the outdoor furnace. If the Board denies the waiver, the outdoor furnace must either be brought into compliance with this chapter or removed. If the Board does not take any action with respect to the waiver within 60 days from its receipt of an application for waiver, the waiver shall be deemed denied.

**8. Penalties for offenses.**

Failure to comply with any of the provisions of this chapter shall be guilty of a misdemeanor as defined by Minnesota State Statute. In addition, any permit issued pursuant to this chapter shall be revoked upon conviction of a second offense and the subject outdoor furnace shall not be eligible for another permit. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this chapter. Any fine imposed hereunder shall constitute a lien upon the real property where the outdoor furnace is located until paid.

**9. Effect on other regulations.**

Nothing contained herein shall authorize or allow burning which is prohibited by codes, laws, rules or regulations promulgated by the United States Environmental Protection Agency, Minnesota Pollution Control Agency, or any other federal, state, county, or local agency. Outdoor furnaces, and any electrical, plumbing or other apparatus or device used in connection with an outdoor furnace, shall be installed, operated and maintained in conformity with the manufacturer's specifications and any and all local, state and federal codes, laws, rules and regulations. In case of a conflict between any provision of this chapter and any applicable federal, state or local ordinances, codes, laws, rules or regulations, the more restrictive or stringent provision or requirement shall prevail.

Motion by Sup Tekautz Supported by Sup Dostert to adopt said ordinance on

November 29, 2016

AYES: 3

NAYS: 0

Township of Breitung

Timothy S. Tomsich  
Timothy Tomsich, Chairman

Valeda McDonald  
Valeda McDonald, Clerk