

CHAPTER 7: NUISANCES AND OFFENSES

ORDINANCE 78 REGULATION OF BIOFUEL BURNERS..... 78-1  
Section 78.01: PURPOSE..... 78-1  
Section 78.02: DEFINITIONS..... 78-1  
Section 78.03: PROHIBITION..... 78-1  
Section 78.04: PRE-EXISTING OUTDOOR BIOFUEL BURNERS ..... 78-1  
Section 78.05: PERMIT REQUIRED ..... 78-1  
Section 78.06: USE REGULATIONS..... 78-2  
Section 78.07: ENFORCEMENT ..... 78-3

ORDINANCE 78      REGULATION OF BIOFUEL BURNERS

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Section 78.01: PURPOSE. It is recognized and found that wood smoke and smoke generated by other outdoor solid fuel (biofuel) heating devices is hazardous to an individual's health and may affect the health of the general public when they are involuntarily exposed to the presence of smoke, and that breathing smoke is a significant health hazard particularly to children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory functions. It is also recognized that biofuel burners are designed and intended to be a primary heat source, and therefore burn, and emit smoke on a continual basis. Furthermore, significant fire safety risks are involved with units that are not properly installed, or do not have proper safety equipment such as spark arrestors; or are installed in close proximity to other buildings. The purpose of this ordinance is to protect the public health, safety, comfort and general welfare of the citizens against the hazards posed by biofuel burners.

Section 78.02: DEFINITIONS.

Subd. 1: Biofuel Burner. A device, structure, or apparatus, which supplies direct or indirect heat from the burning of solid fuel, including but not limited to wood, corn, biomass pellets and other solid biofuels, to a building. Traditional woodburning stoves and fireplaces are excepted from this ordinance.

Subd. 2: Stacks Or Chimneys. Any vertical structure enclosing a flue or flues that carry off smoke or exhaust from a Biofuel Burner.

Section 78.03: PROHIBITION. Outdoor Biofuel Burners are prohibited and shall not be installed or operated within the City of Albany.

Section 78.04: PRE-EXISTING OUTDOOR BIOFUEL BURNERS. All existing Biofuel Burners installed within City limits at the time of adoption of this ordinance are required to meet emission standards currently required by the Environmental Protection Agency (EPA), which are hereby adopted by reference together with any amendments or modifications made to them in the future. Pre-existing outdoor Biofuel Burners shall also be subject to the use regulations set forth in Section 78.06 of this Ordinance. No pre-existing Biofuel Burners shall hereafter be extended, enlarged, or expanded. At such time as the useful life of a non-conforming wood-burning unit or solid fuel-fired heating device has elapsed or would need to be repaired to function properly, the unit cannot be replaced and must be abandoned, not used, and removed from the property immediately.

Section 78.05: PERMIT REQUIRED. The City of Albany requires any person to obtain a building permit for any Biofuel Burner to be installed within a building after the date this ordinance becomes effective.

## CHAPTER 7: NUISANCES AND OFFENSES

Section 78.06: USE REGULATIONS. All permitted Biofuel Burners shall be subject to the following use regulations:

Subd. 1. Stacks.

- a) The minimum stack height for any Biofuel Burner shall meet or exceed the manufacturers' guidelines. The stack height shall be a minimum of 25 feet above ground level, but shall also extend at least as high as the height of the roofs of residents within 500 feet.
- b) Any existing non-complying stack shall be removed, replaced, or modified within a period of 60 days from the receipt of a notice generated from the Building Official.
- c) All stacks or chimneys must be constructed to withstand high winds or other related elements and according to the specifications of the manufacturer of the Biofuel Burner.
- d) All stacks or chimneys must be of masonry or insulated metal with a minimum six-inch flue.

Subd. 2: Use Period. Biofuel Burners may only be used from September 1<sup>ST</sup> to May 31<sup>ST</sup> each year, unless the furnace is being used to provide domestic water service.

Subd. 3: Allowed Fuels. Only the following materials may be burned in the Biofuel Burner: biomass pellets, corn, firewood, and clean, untreated lumber or other wood product prepared or cut to length appropriate for burning.

Subd. 4: Waste Incineration Prohibited. No Biofuel Burners shall be utilized in any manner as a waste incinerator.

Subd. 5: Smoke and Fumes. Any dense smoke, noxious fumes, gas and soot, or cinders, in unreasonable quantities, or any use of Biofuel Burner to burn solid fuels other than those solid fuels for which the Biofuel Burner was designed, is declared a public nuisance.

Subd. 6: Fuel Storage. Outdoor fuel storage is limited to eight cords of wood stored during the period October 1<sup>st</sup> through March 31<sup>st</sup> and one cord of wood from April 1<sup>st</sup> to September 30<sup>th</sup>. Other fuel sources are similarly limited to a volume not to exceed eight cords of wood and shall be set back ten (10) feet from side and rear property line, be neatly stacked, covered, split, and shall not be located in front yard. Fuel may not be stored outside in or on a trailer, gravity box or similar mobile container, or in a vehicle. Any structures constructed to contain or store fuel for Biofuel Burners must be constructed in accordance with the applicable zoning regulations.

Section 78.06, Subd. 6 amended 8/2008 and amended further 11/19/08.

## CHAPTER 7: NUISANCES AND OFFENSES

Section 78.07: ENFORCEMENT. The City Building Inspector, City Clerk-Administrator, Fire Chief, Police Chief and/or their designees, or designated officials shall enforce the provisions of this Ordinance. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor. Each day the violation continues unabated shall constitute a separate and distinct offense. Fines for violations are as established by the City Council in Appendix A.”