

## CHAPTER 99: OUTDOOR FURNACES

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### § 99.01 PURPOSE.

It is the intention of the Byron City Council by the adoption of this chapter to establish and impose restrictions upon the construction and operation of outdoor furnaces within the limits of the City of Byron for the purpose of securing and promoting the public health, comfort, convenience, safety, welfare and prosperity of the city and its inhabitants. It is generally recognized that the types of fuel used, and the scale and duration of the burning of such furnaces create noxious and hazardous smoke, soot, fumes, odors and air pollution, can be detrimental to citizens' health, and can deprive neighboring residents of the enjoyment of their property or premises.

(Ord. - -, passed 3-23-05)

### § 99.02 DEFINITION.

As used in this chapter, *OUTDOOR FURNACE* shall mean an accessory structure, designated and intended, through the burning of wood, coal, pellets, corn or other materials, for the purpose of heating the water or principal structure and/or any other site structure on the premises, including pools or spas.

(Ord. - -, passed 3-23-05)

### § 99.03 PROHIBITION.

The construction and/or operation of outdoor furnaces are hereby prohibited in the City of Byron.

(Ord. - -, passed 3-23-05)

**§ 99.04 AUTHORITY.**

The Byron City Council or its enforcement officer(s) are hereby authorized in the name and on behalf of the city to undertake and prosecute any proceedings necessary or appropriate to enforce compliance with this chapter.

(Ord. - -, passed 3-23-05)

**§ 99.99 PENALTY.**

Any person, occupant, property owner or owners violating any provision of this chapter shall be guilty of a misdemeanor and punished as provided in § 10.99 of this code. Each date that a violation is permitted to exist constitutes a separate offense.

(Ord. - -, passed 3-23-05)

## **AN ORDINANCE CREATING A SOCIAL HOST ORDINANCE**

The City Council intends to discourage underage possession and consumption of alcohol, even if done within the confines of a private residence, and intends to impose penalties on those persons who host events or gatherings where persons under 21 years of age possess or consume alcohol regardless of whether the person hosting or allowing the event or gathering supplied the alcohol.

**WHEREAS**, events and gatherings held on private or public property where alcohol is possessed or consumed by persons under the age of 21 are harmful to those persons and constitute a potential threat to public health, safety and welfare requiring prevention or abatement.

**WHEREAS**, prohibiting underage consumption acts to protect underage persons, as well as the general public, from injuries related to alcohol consumption.

**WHEREAS**, even though giving or furnishing alcohol to an underage person is a crime, it is difficult to prove, and an ordinance is necessary to help further combat underage consumption.

**THEREFORE**, the City of Byron is creating a Social Host Ordinance to attempt to reduce alcohol consumption in persons under 21 years of age.

### **Definitions.**

For the purposes of this chapter, the following terms shall have the meanings stated:

- A. "Adult" means any person 18 years of age or older.
- B. "Alcohol" means ethyl alcohol, hydrated oxide of ethyl or spirits of wine, liqueur, cordials, whiskey, rum, brandy, gin, or any other distilled spirits including dilutions and mixtures thereof from whatever source or by whatever process produced.
- C. "Alcoholic beverage" means alcohol, spirits, liquor, wine, beer and every liquid or solid containing alcohol, spirits, wine or beer and which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.
- D. "Event or gathering" means any group of three or more persons assembled or gathered together for a social occasion or other activity.
- E. "Host or allow" means to aid, conduct, entertain, organize, supervise, control or permit an event or gathering.
- F. "Parent" means any person having legal custody of a juvenile as a natural parent, adoptive parent, stepparent, legal guardian, or a person to whom legal custody has been given by order of the court.
- G. "Person" means any individual, partnership, co-partnership, corporation, or any association of one or more individuals. A person does not include any city, county or state agency.

- H. "Residence, premises, or public property or private property" means any location, including a house, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, yard, field, park, or any other place of assembly, whether occupied on a temporary or permanent basis, whether occupied as a dwelling or residence or specifically for a social or business function, and whether owned, leased, rented or used with or without permission or compensation.

**Prohibited Acts and Penalty.**

1. It is unlawful for any person to host or allow for an event or gathering at any residence, premises, or on any other public property where alcohol or alcoholic beverages are present when the person knows or should reasonably know that:
  - a. Alcohol or an alcoholic beverage is being possessed or consumed by an underage person; and
  - b. The person failed to prevent such possession or consumption by an underage person.
2. It is a violation of section 1 if the person intentionally aids, advises, hires, counsels or conspires with another or otherwise procures another to commit the prohibited act.
3. A person who hosts or allows an event or gathering does not have to be present at the event or gathering to be in violation of this section.
4. A violation of this policy falls under the Byron city code of ordinances, 1099 General Penalties.

**Exceptions.**

1. This chapter does not apply to conduct of an underage person specifically authorized by their parent while present in the parent's house.
2. This chapter does not apply to retail intoxicating liquor or 3.2 percent malt liquor licences, municipal liquor stores or bottle club permit holders who are regulated by Minnesota Statute §340A.503.
3. This chapter does not apply to situations where underage persons are lawfully in possession of alcohol or alcoholic beverages during the course and scope of employment
4. This chapter does not apply to a landlord, mortgage, college, university, hotel or motel owners or operators who has not actually participated in hosting or allowing an event where alcohol is present.

**Authority.**

1. This chapter is enacted pursuant to Minn. Stat. §§145A.04 (1),(9), 412.221, subd. 32.



ORDINANCE NO. 16-04

CITY OF BYRON

**AN ORDINANCE OPTING-OUT OF  
THE REQUIREMENTS OF  
MINNESOTA STATUTES, SECTION 462.3593**

**WHEREAS**, on May 12, 2016, Governor Dayton signed into law the creation and regulation of temporary family health care dwellings, codified at Minn. Stat. § 462.3593, which permit and regulate temporary family health care dwellings;

**WHEREAS**, subdivision 9 of Minn. Stat. §462.3593 allows cities to “opt out” of those regulations;

**THE CITY COUNCIL OF THE CITY OF BYRON, ORDAINS as follows:**

**OPT-OUT OF MINNESOTA STATUTES, SECTION 462.3593:**

**SECTION 1.** Pursuant to authority granted by Minnesota Statutes, Section 462.3593, subdivision 9, the City of Byron opts-out of the requirements of Minn. Stat. §462.3593, which defines and regulates Temporary Family Health Care Dwellings.

**SECTION 2.** This Ordinance shall be effective immediately upon its passage and publication.

**ADOPTED** this 10th day of August, 2016, by the City Council of the City of Byron.

**CITY OF BYRON**

By:   
Ann M. Diercks  
Mayor

ATTEST:

  
Mary K. Blair-Hoelt  
City Administrator