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ORDINANCE 73 BURNING

Section 73.01: PURPOSE. The City Council determines that unregulated burning within the City has an adverse effect upon the City residents' health, comfort, repose and property and specifically finds that unregulated burning:

Subd. 1: Increases the risk of destruction of Personal property and structures;

Subd. 2: Increases air pollution and affects the health of residents, primarily those suffering from asthma and other respiratory ailments;

Subd. 3: Causes annoyance by smoke drifting onto adjacent properties;

Subd. 4: Increases the potential for injury by creating a nuisance attractive to children;
and

Subd. 5: Causes soot and odor to adjacent property.

As a result, the City Council enacts this Ordinance restricting fire ignition and maintenance and other burning that may occur within the City.

Section 73.02: DEFINITIONS. As used in this Ordinance, the following terms shall be defined as follows:

Subd. 1: Attendance of Fires. Means any fire this Ordinance authorizes shall be constantly attended by a competent Person until the fire is extinguished. This Person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

Subd. 2: Campfire. Means a fire set for cooking, warming or ceremonial purposes, which is not more than three (3) feet high, and which has had the ground ten (10) feet from the fire ring's base cleared of all combustible material.

Subd. 3: Commissioner. Means the Commissioner of Natural Resources.

Subd. 4: Forest Products. Means and includes all products derived from timber.

Subd. 5: Open Fire or Open Burning. Means a fire that is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.

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Subd. 6: Owner. Includes a Person owning the fee title to any real property or the Person occupying real property pursuant to a leasehold interest in it.

Subd. 7: Timber. Means and includes trees, saplings, bushes, seedlings, and sprouts from which trees may grow, of every size, nature, kind and description.

Section 73.03: OPEN BURNING PROHIBITED. Open burning in the City shall be unlawful without the City Council's prior written permission.

Section 73.04: EXCEPTIONS. The following shall be permitted in the City without a permit:

Subd. 1: Campfires;

Subd. 2: Fire contained in a charcoal grill, camp stove, or other cooking or heating device;

Subd. 3: A fire contained within a building or structure to provide heat to the structure's interior or to prepare food;

Subd. 4: Fires ignited for fire training as defined by Minn. Stat. §88.17, Subd. 3(a), as amended, pursuant to a special permit granted by the local fire warden or other authorized state, county or local authority; and

Section 73.05: FUEL MATERIALS. Fuels for all permitted fires shall consist of timber, forest products, kerosene, fuel oil, charcoal or natural gas if the fire is contained in a stove or fire box designed for igniting that substance.

Section 73.06: OPEN BURNING PROHIBITIONS. No Person shall conduct, cause or permit the open burning of:

Subd. 1: Motor oil, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke, including but not limited to vegetative material, tires, railroad ties, chemically treated lumber, composite shingles, roofing felt, insulation, composition board, gypsum board, wiring, oils, paint or paint filters and other similar substances.

Subd. 2: Hazardous waste as defined in Minnesota Statutes §116.06, Subd. 11, as amended, and applicable Commissioner's Rules.

Subd. 3: Solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

Subd. 4: Burnable building material generated from the demolition of residential, commercial or institutional structures.

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Subd. 5: Discarded materials resulting from the handling, processing, storage, preparation, serving or consumption of food, unless State law allows.

Subd. 6: Processing of motor vehicles.

Section 73.07: BURNING BANS. No open burning shall occur at any time a state, county, or local authority declares a burning ban.

Section 73.08: GENERAL REGULATIONS REGARDING PERMITTED FIRES.

Subd. 1: No Person shall ignite or maintain a fire upon another's land without the Owner's permission.

Subd. 2: No Person shall ignite or maintain a fire on publicly owned or controlled property except in designated areas for maintaining campfires by the public authority governing the property or under the direct control and supervision of an authorized City employee.

Subd. 3: A competent Person shall attend any authorized open fire until the fire is extinguished.

Subd. 4: Fires shall not be allowed to smolder with no flame present and must be extinguished after use.

Subd. 5: A permit holder shall keep the fire contained in the area the permit describes and shall only burn the materials specifically listed on the permit.

Section 73.09: REPORTING. The occupant of any property where any unauthorized fire is burning shall promptly report the fire to the City Fire Department.

Section 73.10: ENFORCEMENT. The Commissioner, the City Fire Chief and the City Police Department shall enforce this Ordinance.

Section 73.11: PENALTY. Any Person who violates the provisions of this Ordinance shall be guilty of a petty misdemeanor upon the first offense and a misdemeanor upon the second and subsequent offenses. Any Person who ignites or maintains a prohibited fire and any Person who owns or controls property and knowingly permits a prohibited fire to be ignited or maintained on his or her property, if that Person had actually ignited the fire, shall be liable under this Ordinance. Fines for violations are as established by the City Council in Appendix A.

Section 73.11 amended on 1/4/06