

CHAPTER 4 PUBLIC HEALTH AND WELFARE

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ORDINANCE 410 OPEN BURNING BAN

Section 410.01: DEFINITIONS.

Subd. 1. Open Burning. Burning any material in a way that the resultant combustion products are emitted directly into the open atmosphere without passing through an adequate stack, duct or chimney.

Subd. 2. Burning Permit. A permit issued by a Fire Warden authorizing fires exempted from the general provisions of this Section, and setting conditions for the fire.

Subd. 3. Cooking Fire. A fire contained in a grill or stove set for the sole purpose of cooking food over charcoal or gas. Cooking fires shall not include campfires, fire rings, recreational fires, or fires set for the purpose of cooking food over any other fuel such as wood.

Section 410.02: OPEN BURNING PROHIBITED. Except as otherwise provided in this Section, all open burning is prohibited within the City. Open burning of any kind is prohibited on City property or in City parks.

Section 410.03: EXEMPTIONS FROM OPEN BURNING PROHIBITIONS. Open burning of the following types are exempt from the prohibition of Subsection 410.02, subject to the conditions stated in this Section:

Subd. 1. Fires for Which a Permit Has Been Obtained. The following fires for which a burning permit has been obtained from a Fire Warden and, where required by State law, from the Pollution Control Agency are exempt from the ban on open burning:

- (a) Fires purposely set for the instruction and training of public and industrial fire-fighting personnel;
- (b) Fires set for the elimination of a fire hazard which cannot be abated by any other practicable means;
- (c) Fires purposely set for forest or game management and in accordance with the practices recommended by the Minnesota Department of Agriculture and the United States Forest Service;
- (d) The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, road and highway right-of-way, and in accepted agricultural land management practices; and,
- (e) A bonfire for educational or recreational purposes set by an accredited educational institution or bona fide church;

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- (f) A campfire in a three (3) foot pit or ring which is at least twenty-five (25) feet from all structures, a fire extinguisher (or a garden hose hooked up to a water supply) is available at all times while the fire is burning and an adult is present at the site at all times until the fire is completely extinguished. No burning permit is required if the campfire is not larger than three feet in diameter and the ground is cleared of combustible materials for five feet around the base of the fire.

Subd. 2. Fires for Which No Permit is Required. Cooking fires under continuous adult supervision may be set without a permit; provided, however, that no cooking fires may be set on City property or in a City park except in a structure or device specifically designed for that purpose, such as a charcoal grill or hibachi, and only in areas of the park which are specifically designated for cooking fires.

Subd. 3. No Excuse or Exemption. Exemption to set fires under this Section shall not excuse any person from the consequences and damages or injuries which may result, nor shall it exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

Section 410.04: AIR POLLUTION CONTROL REGULATIONS. Pursuant to Minn. Statutes 471.62, the City adopts and incorporates by reference Air Pollution Control Regulations and Ambient Air Quality Standards of the Minnesota Pollution Control Agency as adopted pursuant to Minn. Stat., Section 116.07.

Section 410.05: REGULATIONS ON FILE. The Clerk shall mark and keep on file in the Clerk's office one copy of these regulations for use and examination by the public. The Clerk shall provide a copy of this Section and the regulations at cost to any person upon payment of such reasonable fee as may be set by the Council.

Section 410.06: CONFLICT OF LAWS. In the event that the provisions of this Section shall be in conflict with the provisions of any other law or rule, the more restrictive law or rule shall apply.