

CHAPTER 2  
**OPEN BURNING**

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4-2-1: **DEFINITIONS:** As used in this Chapter, the following words and terms shall have the meanings ascribed to them in this

Section:

**OPEN BURNING:** The burning of any material whereby the resultant combustible product is emitted directly to the open atmosphere without passing through an adequate stack, duct, or chimney in accordance with Minnesota Pollution Control Agency Regulation 368.2, as amended.

**REFUSE:** Includes any combustible waste material, trade waste, garbage, paper, leaves or other similar such substances as may be defined as "refuse" in the Minnesota Pollution Control Agency Solid Waste Regulation, SW 1 (12), as amended. (1986 Code § 609I.A.; 1997 Code)

4-2-2: **PURPOSE:** The open burning of rubbish and other substances within the City causes and substantially contributes to the smoke, soot, cinders, fumes, noxious gases, and airborne particles which

pollute the air and which are detrimental to the health and welfare of the residents of the City. (1986 Code § 609)

4-2-3:           **INTENT:** It is the intention of the Council to prohibit the open burning of refuse, there being an adequate available refuse collection service within the City. (1986 Code § 609)

4-2-4:           **PROHIBITED:** No person shall cause, suffer, allow, or permit the open burning of any refuse within the City. (1986 Code § 609I.A.)

4-2-5:           **NUISANCE DECLARED:** Open burning is hereby declared to be a public nuisance and the City, or its duly authorized agent, shall have the power and authority to summarily abate such nuisance, without notice to any party. (1986 Code § 609I.B.)

4-2-6:           **EXCEPTIONS:** The following open burning shall be excepted from the regulation of this Chapter; provided, that with respect to exceptions B, C, and D below, an appropriate permit shall be first obtained:

- A.    Food Preparation: Open fires used solely for the preparation of food.
- B.    Training Fires: Fires set for the instruction and training of public and industrial fire fighting personnel.
- C.    Elimination Of Fire Hazards: Fires set for the elimination of fire hazards which cannot be abated by any other practical means.
- D.    Clearing Of Land; Right-Of-Way Maintenance; Crop Burning: The burning of trees, brush, grass or other vegetable matter in the clearing of land, right of way maintenance operations and agricultural crop burning. (1986 Code § 609II.B.)

4-2-7:           **PERMIT REQUIRED:**

- A.    Special Permit: Burning pursuant to subsections 4-2-6B, C or D of this Chapter shall only be permitted upon the issuance of a special

permit by the City Fire Chief, or his duly authorized agent, under the following conditions:

1. **Presence Required:** The permittee or his duly authorized representative, will be present at any fire so allowed;

2. **Weather Conditions:** Such burning will be done only when weather conditions are such that resultant smoke will be carried away from neighboring residences or other effected property owners or public roadways.

3. **Revocation:** Such permit shall be subject to revocation at any time if the City determines that there is a practical, available alternate method for disposal of the material to be burned or that such burning would constitute a fire hazard, or a health hazard, or that a traffic hazard would result.

B. **Permit Fee:** An official open burning fire permit fee shall be twenty five dollars (\$25.00) payable to the City. (1986 Code § 609I.B.)

4-2-8: **NEGLIGENT FIRES:** It is unlawful for any person to be culpably negligent in causing a fire to burn or get out of control and thereby create an unreasonable risk and high degree of probability of damage or injury to another, and the property or person of another is damaged or injured or endangered thereby. (1986 Code § 617)