

ORDINANCE NO. 191

An Ordinance Regulating Open Burning

Whereas, open burning creates risk of losses due to fire, and impairs air quality. Regulation of open burning is necessary to protect the public health, safety, and welfare and designed to promote the general peace.

Section 1. Definitions.

A. Open Burning. Open burning means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney. Charcoal fires, or fires of other commonly accepted cooking fuels, which are contained within a manufactured hibachi, grill, smoker or gas grill, do not constitute open burning.

B. Authorized Burning or Authorized Fire. There are two forms of authorized burning:

1. Permitted Burning or Permitted Fire: A fire for which a permit has been issued with a limited time period

2. Campfire and Recreational Fire: A fire for cooking, warming or recreational purposes burning only clean, untreated wood or charcoal with a limited time period. It is a fire set with approved starter fuel with the materials to be burned no more than three feet in diameter and three feet in height, using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; for recreational, ceremonial, food preparation and social purposes.

C. Department. The City of Lakefield, Minnesota, City Clerk, and Police Department.

Section 2. Permits.

A. Permit Necessary. The City of Lakefield, Minnesota shall issue all burning permits approved by the department. Permits shall be issued in accordance with the procedures approved by the Minnesota Pollution Control Agency. A record of the permit shall be kept on file. The sum of \$5.00 shall accompany every application for a permit. If the permit is disallowed, the \$5.00 is not refunded to the petitioner. The permit issued by the Department may be revoked by the Department for any reason including but not limited to any violations of this Ordinance. The petitioner may be

allowed to reapply for a new permit but may be denied if record shows any habitual negative reports in the past to said petitioner or at said property/address habitual activity has occurred.

1. Permitted Burning or Permitted Fire for leaf burning shall be limited to the period of September 15th to December 1st. Leaves may be brought to the City of Lakefield brush pile. Only City of Lakefield residents may use the brush pile. Property owners outside City of Lakefield limits may not use the brush pile. All rules and regulations for use of the brush pile must be followed.

2. Permitted campfire / recreational fire is for the period of January 1st to December 31st.

3. The permit shall be at the burn site and available for inspection at all times while burning is being conducted. Denial of inspection will be grounds for revoking any permit to burn within the City of Lakefield.

Section 3. Restrictions on Permitted Fires.

A. No fire shall be allowed within 25 feet of any structure, except where no alternative is available, and the department personnel reviews the circumstances and the applicant agrees to any special conditions determined by the department personnel to be necessary to protect the public safety.

B. Permitted fire shall be attended at all times by a responsible adult.

C. Permitted campfire / recreational fires maybe burned from sunrise to midnight.

D. Nuisance fires shall be immediately extinguished if so ordered by the department.

E. No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground unless a public park with designated camp fire sites.

F. No person shall kindle or maintain any open fire on any private land without obtaining a permit from the City of Lakefield, Minnesota.

G. No person shall drop or throw, or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper, or other inflammable material, within any park area or on any highway, road or street abutting or continuous therein.

H. No person shall conduct, cause or permit the open burning of oils, petrol fuels, rubber, plastics, plastic pesticide containers, plastic liners in seed, feed, or pesticide bags, chemically treated materials, or other materials which produce

excessive or noxious smoke such as fires, railroad ties, treated, painted or glued wood, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint filters, mixed municipal solid waste, hazardous waste, industrial waste, construction debris or demolition debris.

I. No person shall conduct, cause or permit the open burning of hazardous waste, salvage operations, solid waste generated from an industrial or manufacturing process or from a service or commercial establishment, or building material generated from demolition of commercial or institutional structures.

J. No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

K. The following types of open fires are specifically not allowed: (1) garbage or other organic refuse; (2) building demolition or excess building construction material; (3) automobiles or parts thereof; (4) highly flammable, toxic or explosive materials, electrical wiring; (7) rubber products; (8) plastic products, and (9) any other material deemed an unnecessary hazard.

L. It shall be unlawful to burn papers, excelsior or other similar material, unless it is burned in an approved incinerator.

M. No burning shall be done unless an adequate water supply is available at the burning site to control the fire.

N. No burning shall be done at any time or place when wind conditions may create a nuisance to anyone or the property of anyone in the vicinity.

O. No burning shall be done where its maximum size is not controllable by one person of maturity and discretion.

Section 4. Campfires and Recreational Fires.

A. Campfires and recreational fires shall not be more than three (3) in diameter nor more than three (3) feet in height.

B. No campfire or recreational fire shall be allowed within 25 feet of any structure, except where no alternative is available, and the department personnel reviews the circumstances and the applicant agrees to any special conditions determined by the department personnel to be necessary to protect the public safety.

C. Before any campfire or recreational fire is lit all of the ground within five (5) feet of the base of the campfire or recreational fire shall be cleared of any combustible material.

D. Campfires and recreational fires shall be attended at all times by a reasonable adult.

Section 5. Nuisances.

A. A permit issued pursuant to this ordinance shall not be deemed to authorize burning which is in fact a nuisance and compliance with a permit is not a defense to a claim that the fire in fact creates a nuisance.

B. Nuisance Fires. The following are nuisance fires and may be extinguished immediately by the City of Lakefield without notice:

1. Open burning in violation of this ordinance.
2. Open burning which because of changes of weather or other conditions create a risk to public health or safety.
3. Open burning which unreasonable interferes with the enjoyment of another person of the other person(s) property or public property.

Section 6. Offenses.

A. No person shall cause, knowingly allow open burning on property owned, leased or occupied that person, except as authorized by this ordinance.

B. No person shall burn prohibited material by open burning.

C. No person shall allow or cause burning in a careless or negligent manner likely to endanger person(s) or property.

D. No person shall allow smoke from an authorized fire to disturb other people.

E. No person shall use flammable or combustible liquids for starting or maintaining fire.

F. No person shall start or cause a fire on land that is not owned or under their legal control without written permission of the owner, lessee, or an agent of the owner or lessee.

G. No person shall conduct, cause or permit open burning during a burning ban put into effect by the department or other authority.

Section 7. Burning Without a Permit.

A. Fires purposely set for the actual instruction and training of public and industrial fire-fighting personnel.

B. Fires purposely set by the City of Lakefield for disposal of brush and other like materials.

Section 8. Violation Penalties.

A. Any person who violates any provision of this burning ordinance or regulations is guilty of a misdemeanor, and shall be fined a penalty of not less than \$50.00 and not more than \$250.00, and/or shall be imprisoned in the county jail for a time to be set by the Court.

B. Any person who shall cause to be kindled or maintained any fire, which necessitates control and/or extinguishments by the Lakefield Fire Department or assisting agency, shall be liable to the City of Lakefield for any such action. The City of Lakefield therefore may collect all charges and costs by suit in any court of record.

C. Any person who violates any provision of this Ordinance, in addition to any penalties herein prescribed, shall also be liable in full damages to any and every person suffering loss or injury by reason of the violation, including liability to the County, Cities, Townships, and fire suppression and medical response teams, for all expenses incurred in fighting or preventing the spread of, or extinguishing any fire caused by, or resulting from, any violation of this Open Burning Ordinance. When a fire set by any person spreads to and damages or destroys property belonging to another, the setting of the fire shall be prima facie evidence of negligence in setting and allowing the same to spread.

Section 9. Enforcement.

A. This ordinance may be enforced by any full-time or part-time post licensed Peace Officer with jurisdiction for the City of Lakefield.

Section 10.

A. Should any provision or any part hereof is declared by any Court of competent jurisdiction to be invalid or unenforceable, the same shall not effect the validity or enforceability of the balance of this burning ordinance, which shall remain in force and effect.

Section 11.

A. All ordinances or part of ordinances in conflict herewith are hereby repealed.

B. Said burning ordinance takes precedence over any prior burning ordinance.

C. This ordinance does not apply to fires set for ceremonial religious purposes.