

## ORDINANCE 175

### AN ORDINANCE REGULATING OPEN BURNING WITHIN THE CITY OF BIRD ISLAND AND PROVIDING PENALTIES FOR THE VIOLATION THEROF

The City Council of the City of Bird Island does ordain as follows:

#### SECTION I. DEFINITIONS

- A. Person: As defined in Minnesota Statutes 1967, Section 116.06, Subd. (8).
- B. Open Fire: "Open Fire" or "Open Burning" means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, 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.
- C. Camp Fire: "Camp Fire" means a fire set for cooking, warming, or ceremonial purposes, which is not more than three (3) feet in diameter by three (3) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.
- D. Starter Fuels: "Starter Fuels" mean dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution must be used to start an open fire.
- E. Wood: "Wood" means dry, clean fuel only such as twigs, branches, limbs, "presto logs," charcoal, cordwood or untreated dimensional lumber. "Wood" does not include wood that is green, with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreation fires when cut into three (3) foot length.
- F. Recreation Fire: Same definition as a "Camp Fire".
1. Recreation Fire Site-Requirements: An area of no more than three (3) foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or block of ferrous metal only.
  2. Recreation Fire Burn-Requirements: When a camp fire is used for recreational purposes, it must be ignited with an approved starter fluid using, dry clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance health or safety hazards will not be created. Should the City Fire or Police Department determine the fire to be a hazard to health or safety, the property owner may be instructed to extinguish the fire, in which case the owner must comply.
- G. Burning Permit: A permit issued by the designated State Agency or its appointed Fire Warden, authorizing fires exempted from the general provisions hereof, and setting conditions therefore.

#### SECTION II. OPEN BURNING PROHIBITED

From and after the effective date of this ordinance, except as herein provided, open burning shall be prohibited within the City of Bird Island.

#### SECTION III. EXEMPTIONS

Open burning of the types, and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of Section II of this ordinance;

- A. Recreational fires
- B. Fires under managed supervision for which a burning permit has been obtained from the appropriate State Agency or its appointed Fire Warden, but limited to the following:
  - 1. Fires purposely set for the instruction and training of firefighting personnel.
  - 2. Fire set for the elimination of a fire hazard which cannot be abated by any other practicable means.
  - 3. The burning of trees, tree trimmings, or brush, by the City, that cannot be disposed of by an alternative method, at a State approved permanent tree and brush open burning site.
- C. Exemption to conduct fires under this section does not excuse a person from the consequences, damages, or injuries which may result therefrom, nor does it exempt any person from regulations promulgated by the Minnesota department of Natural Resources, the Minnesota Pollution Control Agency, or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

#### SECTION IV. COMPLIANCE AND ENFORCEMENT OF STATE LAWS

In the case where State regulations become more strict than this Bird Island Ordinance, the more strict State regulation(s) will apply and become enforceable by the City of Bird Island and the State of Minnesota. Should State regulations become less strict than this Bird Island Ordinance, the Council will have the option to observe either the local or State regulation(s).

#### SECTION V. PENALTY

Any person violating the provisions of this ordinance shall be guilty of a misdemeanor, and shall be punished accordingly.

#### SECTION VI. REPEAL

Ordinance 98, and any other ordinance or section of any ordinance, of the City of Bird Island, inconsistent with this ordinance are hereby repealed.

#### SECTION VII. EFFECTIVE DATE

This ordinance shall be effective upon adoption and publication as provided by law.

Passed by the City Council of the City of Bird Island this 23 day of May, 1994.

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Mayor Paul Setzepfandt

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Deb Lingl, Clerk