

## ORDINANCE NO. 55A

### AN ORDINANCE REGULATING OPEN BURNING WITHIN THE CITY OF BROWNTON AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

THE CITY COUNCIL OF THE CITY OF BROWNTON DOES ORDAIN AS FOLLOWS:

#### SECTION 1. Definitions.

1. Person as defined in Minnesota Statutes 1996, Section 116.06, Subd.. (8).
2. 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.
3. 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.
4. Starter Fuels means 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 may be used to start an open fire.
5. Wood means dry, clean fuel only such as twigs, branches, limbs, "presto logs," charcoal, cord wood or untreated dimensional lumber. "Wood" does not include wood that is green, with leaves or needles, rotted, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreation fires when cut into three (3) foot lengths.
6. Recreation Fire same definition as a "Camp Fire."
7. Waste Burner means an approved waste burner for the purpose of this ordinance shall be constructed of fire resistant material, have a capacity of at least three bushels, be maintained with a minimum burning capacity of at least two bushels, and have a cover which is closed when in use and opening in the top or sides of one inch maximum diameter. No combustible material shall be nearer than thirty feet to the burner or incinerator when in use.

#### SECTION 2. Open Burning Prohibited

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

#### SECTION 3. Exemptions

Open burning of the types, and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of Section 2 of this ordinance.

##### 1. Recreational Fires.

###### a. Recreational Fire Site Requirements

An area of no more than a three (3) foot diameter circle (measured from the inside of the fire ring or boarder); 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 and which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor wood burning fireplaces. Recreation fire sites shall not be located closer than thirty (30) feet to any structure. Burners are not a recreational fire site as defined herein.

b. Recreational Fire Burn-Requirements

When a campfire 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. Mobile cooking devices such as manufactured hibachis, and charcoal grills, wood smoker and propane or natural gas devices, are not defined as camp or recreational fires.

Carl Wachter, Mayor

ATTEST: Carol Winterfeldt, City Clerk

Pub September 1, 1982

2. Burning of Leaves (Repealed 12/3/2002)
  - a. The burning of dried leaves shall be permitted within the corporate limits of the City of Brownton.
  - b. The burning of dried leaves shall be permitted between the period of September 15<sup>th</sup> to November 30<sup>th</sup> of each year.
  - c. No person shall kindle or maintain any fire permitted by this ordinance or authorize such fire to be ignited or maintained of that material to be burned consists of anything other than dried leaves.
  - d. No person shall ignite or burn any dried leaves upon the land of another without the permission of the owner thereof or his agent.
  - e. No person shall ignite or burn any dried leaves on any publicly owned or controlled lot or parcel of land, public bridge, street, sidewalk, boulevard or other public place which has not been set aside by public authorities for such purpose.
  - f. No person shall ignite or maintain any fire permitted by this ordinance or authorize any such fire to be ignited or maintained on any private land unless:
    - a) the fire is contained in an approved waste burner located safely not less than 15 feet from any structure, or
    - b) the location is not less than 30 feet from any structure and adequate provision is made to prevent fire from spreading to within 30 feet of any structure.

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 Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

SECTION 4. RULES

1. Burning Ban or Air Quality Alert. No burning will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to potential hazardous fire conditions or when Minnesota Pollution Control Agency has declared an air Quality alert.
2. Attendance of Fires. Any fire authorized by this ordinance shall be constantly attended by a competent person until such fire is completely extinguished. This person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use.

SECTION 5. RULES ADOPTED BY REFERENCE

1. Minnesota Statutes Sections 88.01 to 88.22, 88.75 and 88.76 are hereby adopted by reference and made a part of this section as if fully set forth herein.

SECTION 6. SEVERABILITY

1. If any sections, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions on the ordinance.

SECTION 7. PENALTY

1. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment in accordance with law.

SECTION 8. REPEAL

1. All prior burning ordinances of the City of Brownton, are hereby repealed.

SECTION 9. EFFECTIVE DATE

1. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Adopted this 6<sup>th</sup> day of April, 1999.

ATTEST: Cynthia Lindeman, City Clerk  
Published: 4/21/99

Brian Hagen, Mayor

Council member Vacek introduced the following resolution and moved its adoption:

AMENDMENT TO ORDINANCE NO. 55A

AN ORDINANCE REGULATING OPEN BURNING WITHIN THE CITY OF BROWNTON  
AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF

The City Council of the City of Brownton does ordain as follows: Section 3.2 EXEMPTIONS  
– Burning of Leaves is hereby repealed.

Effect: That the remainder of said ordinance No. 55A shall remain in full force and effect as amended. That this amendment shall take effect and be in force following its passage and publication.

Council member Block seconded the motion, and upon roll call vote, with the following voting in favor thereof: Vacek, Block, Hagen; against same: Schwarze; motion was declared approved and adopted.

Passed by the City Council this 3<sup>rd</sup> day of December, 2002.

Attest: Cynthia Lindeman, City Clerk

Brian Hagen, Mayor