

SEC. 10.42. OPEN BURNING AND AIR POLLUTION CONTROL.

Subd. 1. Minnesota Statutes Adopted. The provisions of M. S., Ch. 88 are hereby adopted by reference as though set forth verbatim herein. It is unlawful to violate a provision of this Section or of M. S., Ch. 88, hereby adopted by reference.

Subd. 2. Fire Marshal. The Fire Chief shall designate a Fire Marshal with approval of the City Council.

Subd. 3. Violation. It is unlawful for any person to burn or permit the burning of any grass, weeds, leaves, rubbish or other substance upon premises owned or occupied by the person, except as otherwise provided by the City Code.

Subd. 4. Exceptions. The following open burning shall be accepted from the regulations of this Section.

A. Fires in barbecue grills or other authorized containers used solely for the preparation of food. In any structure containing three or more dwelling units, it is unlawful for any person to kindle, maintain or cause to be kindled or maintained any fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of said structure, or to store or use any fuel, barbecue, torch or other similar heating or lighting chemicals or devices in the locations designated above. These prohibitions do not apply to electric or gas-fired barbecue grills which are permanently mounted, wired or plumbed to the building's gas or electrical system and maintain a minimum clearance of 18 inches on all sides (unless listed for lesser clearances by the manufacturer) when approved by the Fire Warden.

B. Fires set for the instruction and training of public and industrial fire fighting personnel when weather conditions are such that resultant smoke will be carried away from the neighboring residences or other affected property owners or public roadways, and that such burning will not constitute a fire, health or traffic hazard, and a special permit has been issued by the Fire Warden.

C. Fires set for the elimination of hazards which cannot be abated by any other practical means and have been issued a special permit by the Fire Warden.

D. Recreational Fires defined as the burning of materials other than rubbish where fuel being burned is not contained in an incinerator, outdoor fireplace or barbecue pit and with a total fuel area of 3 feet or less in diameter and 2 feet in height. Recreational fires are permitted under the following conditions: a 50 foot clearance from any structure or combustible material is maintained, buckets, shovels or garden hoses are readily available, and a special permit is issued by the Fire Marshal or duly authorized agent. It is unlawful to allow campfires except in pits conforming to the specifics above located in designated camp grounds.

Subd. 5. Special Permits. Special permits shall be issued by the Sheriffs Department based upon the following:

- A. Written application
- B. Evidence of need;
- C. Evidence of adequate precaution for public protection and safety;
- D. Specification of location;
- E. Specification of materials to be consumed;
- F. Limitation to day(s) with wind levels below 10 mph;
- G. Written permission of the owner, lessee, or agent of the owner or lessee of the land;
- H. Agreement that the permittee shall keep the permit on his/her person at all times and shall produce the permit for inspection when requested to do so by a forest officer, Fire Marshal/Fire Chief, conservation officer, or other peace officer;
- I. The permittee shall remain with the fire at all times and before leaving the site completely extinguish the fire.

Subd. 6, Revocation of Special Permits. The Sheriffs Department shall revoke permits issued under this Section upon finding that:

- A. The permit is being used by any person other than the person to whom it was issued; or
- B. The conditions or limitations set forth in said permit have been violated; or
- C. Violations set forth in any written notice served upon a permittee by the Fire Marshal/Fire Chief have not been corrected within the time required by the notice; or
- D. The permit is being used for any premises or location other than that for which it was issued.

Subd. 7. Reporting of Fires. It is unlawful for the occupant of any property upon which any unauthorized fire is burning, whether the fire was started by the occupant or otherwise, to fail to promptly report the fire to the nearest forestry office, fire department, or other proper authority. The occupant of the premises shall be deemed prima facie guilty of negligence if the unreported fire spreads from the property or causes damage, loss, or injury to another person, that person's property, or the State.

Source: City Code

Effective Date: 09-15-2005