

AN ORDINANCE RELATING TO OPEN BURNING WITHIN THE CITY OF RUSHFORD AND REPEALING AN EXISTING ORDINANCE ENTITLED "AN ORDINANCE RESTRICTING OPEN BURNING."

THE CITY OF RUSHFORD ORDAINS:

SECTION 1. ADOPTION BY REFERENCE OF MN STATUTES. Except as herein specifically addressed or modified, the following provisions of state law are hereby adopted by reference: Minnesota Statutes Section 88.01 to 88.195

SECTION 2. DEFINITIONS

- A. Building Material. Lumber, wood shakes and other wood products, but shall not include composite shingles, tar paper, insulation, wall board, wiring or other similar smoke producing materials.
- B. Campfire. A fire set for cooking, warming or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material.
- C. Cooking Fire. A fire contained in a charcoal grill, campstove or other device designed for the purpose of cooking.
- D. Demolition Debris. Burnable building material generated from demolition of buildings or structures.
- E. Garbage. Discarded material resulting from the handling, processing, storage, preparation, serving and consumption of food.
- F. Hazardous Wastes. No person shall conduct, cause, or permit open burning of hazardous waste as defined in Section 116.06, subdivision 11, and applicable commissioners rules.
- G. Heating Devices. Furnaces or other devices which burn fuel oil, coal, natural gas, propane, wood or used petroleum products, and which conform to all local, state and federal environmental and safety regulations, intended to provide heat.
- H. Open Burning. Open burning is the burning of any matter which is not contained within a fully enclosed fire box or container, and whereby the resulting combustion products are emitted directly to the atmosphere without passing through a stack, duct, or chimney.
- I. Prohibited Materials. Rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, paint filters and oil.
- J. Rubbish. Nonputrescible solid waste, such as paper, cardboard, yard clippings and other natural matter not including garbage.
- K. Solid Waste. Garbage, refuse, sludge from a water supply treatment plant or air containment treatment facility, and other discarded waste materials and sludges, in solid, semisolid, liquid or contained gaseous form, resulting from industrial, commercial, mining, and agricultural operations, and from community activities.
- L. Wildfire. A fire requiring suppression action, burning any forest, brush, grassland, cropland, or any other vegetative material.

E. Permit Holder. The permittee must have the permit on his or her person at all times and must remain with the fire until it is completely extinguished. The permit must be given to a forest officer, fire warden or other peace officer when requested for inspection.

F. Site of Permit. No person may start or cause a fire to be started on any land that is not owned by them or under their legal control without the written permission of the owner or lessee of the land, even if they have obtained a permit from the fire warden or other authority.

SECTION 6. SEVERABILITY. If any section, 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 of the ordinance.

SECTION 7. PENALTY. Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be sentenced to a fine and/or imprisonment in accordance with law.

SECTION 8. REPEAL. That certain ordinance entitled "An Ordinance Restricting Open Burning" adopted September 30, 1972, and any other ordinance that is inconsistent with this ordinance is hereby repealed.

SECTION 9. EFFECTIVE DATE. This ordinance shall be effective upon its enactment and publication according to law.

Passed and adopted by the Rushford City Council this 26th day of August, 1996.

V. Bunke
Mayor Vernon Bunke

Attest:
Kathy Zacher
City Clerk, Kathy Zacher

Approved as to form by Dale Ervoel City Attorney
Fire Chief

CITY OF RUSHFORD OPEN BURNING PERMIT

Permit Start Date: ___/___/___ Permit Valid through ___/___/___ Daily Hours: to Midnight

Burn Site Location in Yard

_____ Portable Pit

_____ Permanent Pit or Ring

_____ Other _____

Burning Permit Conditions/Requirements:
 This permit only valid for trees, brush, leaves, clean unpainted lumber or other dry vegetative material.

PILED *(Circle fuel)*
 Trees/Brush/Leaves/Clean unpainted lumber/
 Other dry vegetative material: _____(write in)
 # Piles: _____ Pile size in feet: _____

RUNNING FIRE *(Circle fuel)* Trees/Brush/Leaves/Grass

Permittee Information:

Name: _____

Street Address: _____ Phone: _____

City: _____ State: _____ Zip: _____

Special conditions

New Permit Fee \$10.00
 Renewal Permit Fee \$ 5.00

Questions: Call City Hall 507-864-2444

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- To keep this fire under control and to assume responsibility for all damages and costs that may result from burning done under this permit.
 - To attend this fire until completely extinguished.
 - To have this permit available at the burn site for inspection.
 - Not to burn if there is a practical alternative method for disposal of the material such as chipping, composting or recycling.
 - To use a clean burning device to start the fire.
 - Not to conduct burning during any air quality alert.
 - Not to burn prohibited materials listed below unless authorized under Minnesota Statutes.
 - To extinguish the fire immediately if this permit is revoked.
 - That this permit fire will not be allowed to smolder without flame
 - That I will abide by all MN statutes and local ordinances pertaining to open burning.

- Requirements (unless stated otherwise in special conditions above):**
- Prevailing wind must be away from nearby occupied buildings, public roads, airports, and landing strips;
 - Smoke must not be a hazard to the public;
 - Permittee must be at least 18 years of age;
 - Burning is prohibited below the ordinary high water mark of public waters except for agricultural operations or for the purposes of managing forests, prairies or wildlife habitat;
 - No open burning shall be conducted within 50 feet of a residence of another person, without his or her written permission.

This permit is for open burning as allowed and specified in Minnesota Statutes (M.S. 88.16) and local ordinances. The permittee is granted permission to burn the above described materials at the specified location(s) during the conditions listed above. I attest, by my signature, that I have read the details of this permit and will comply with the conditions of, and any attachments to this permit; and that I am the landowner or have the written permission of the landowner to burn at the above burn site location; and that I will activate this permit each day prior to ignition. Violations of permit conditions may subject Permittee to criminal and/or civil actions. Permit must be in your possession when burning.

UNDER M.S. 88.171, PROHIBITED MATERIALS INCLUDE (but are not limited to):
 garbage, oils, rubber, plastics, tires and chemically treated materials such as railroad ties, treated lumber, composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint, hazardous and industrial solid waste.

REDUCE, REUSE, RECYCLE, AND COMPOST

Permittee Signature: _____	Date: _____	Approving Authority Signature: _____	Date: _____
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General Recommendations:

- ✓ Have a water supply available and a means of dispensing it.
- ✓ Fire area should be sufficiently spaced and away from surrounding vegetation so that the potential for radiant heat to ignite and spread the fire is eliminated. You should be able to comfortably stand between the burning pile and any structure.
- ✓ Under no circumstances should any organic soils (peat) be allowed to ignite.
- ✓ When you think burning is complete, examine the ashes. Touch them to make sure they are cold. Use water as necessary to make sure it is out and cannot reignite.

Minnesota DNR burning permits only allow the burning of clean vegetative matter.

This means unpainted, unstained and untreated wood and brush.

Unless restricted by local ordinances, you may also burn:

- Leaves
- Grass clippings

Permits DO NOT allow the burning of:

- Painted wood or Paper
- Plastic or other prohibited materials
- Garbage

Why does this matter?

Burning garbage or treated materials releases toxins that contaminate our air, water and soil. These toxins can cause serious health problems including cancer.

Is this a new concern?

No, household garbage burning has been illegal in Minnesota since 1969. New reports show that backyard garbage burning is now the LARGEST source of deadly dioxins in the United States.

Dispose of your garbage the safe way!

- Recycle or reuse
- Compost or chip yard waste
- Use garbage services

If you are burning garbage, you may be making poison.