

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 26<sup>th</sup> day of August, 1996.

V. Bunke  
Mayor Vernon Bunke

Attest:  
Kathy Zacher  
City Clerk, Kathy Zacher

Approved as to form by Dale Ervoed City Attorney  
Fire Chief