

CHAPTER 5**ENVIRONMENT****505. OPEN BURNING.**

505.01. Purpose. The purpose of this ordinance is to ensure the safety of Medina residents and visitors and to minimize property damage through the regulation of open burning activities. It is the intention of the city to encourage alternative disposal methods to open burning whenever reasonably possible.

505.03. Definitions. For the purposes of this ordinance, the following terms shall have the meanings given to them unless the context clearly indicates another meaning:

Subd. 1. “Backfire” means a fire intentionally started ahead of, or in the path of, an approaching wildfire for the purpose of burning back toward the wildfire so that when the two fires meet both will die for lack of fuel;

Subd. 2. “Campfire” means 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;

Subd. 3. “Fire warden” means the Medina police chief, a fire chief, or other local government official appointed by the forest officer to issue permits and oversee the open burning activities in the area;

Subd. 4. “Forest officer” means the employee of the Minnesota department of natural resources designated by the commissioner to regulate burning activities in the portion of the state which includes Medina;

Subd. 5. “Hazardous waste” means any refuse, sludge, or other waste material or combination of refuse, sludge or other waste materials in solid, semisolid, liquid, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness or pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to explosives, flammables, oxidizers, poisons, irritants, and corrosives;

Subd. 6. “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;

Subd. 7. “Snow-covered” means that the ground has a continuous, unbroken cover of snow,

to a depth of three inches or more, surrounding the immediate area of the fire sufficient to keep the fire from spreading;

Subd. 8. “Timber” means and includes trees, saplings, bushes, seedlings, and sprouts from which trees may grow, of every size, nature, kind and description; and

Subd. 9. “Wildfire” means a fire requiring suppression action, burning any forest, brush, grassland, cropland, or any other vegetative material.

505.05. Permit Required; Exceptions.

Subd. 1. No person shall start or have any open fire without having first obtained a permit to conduct open burning.

Subd. 2. The following are exempt from the permit requirement:

- a) A campfire; and
- b) A fire contained in a charcoal grill, camp stove or other device designated for the purpose of heating or cooking.

505.07. Prohibited materials. The following materials shall not be burned:

- a) hazardous waste;
- b) industrial solid waste;
- c) chemically treated or painted materials;
- d) rubber;
- e) oils;
- f) plastics;
- g) motor vehicles;
- h) demolition debris of commercial or institutional structures (not including farm buildings);
- i) materials that produce excessive or noxious smoke, such as tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters; and
- j) garbage generated from handling, processing, storage, preparation, serving, or consumption of food.

505.09. Open burning by permit.

Subd. 1. Open burning permits may be issued by the forest officer or fire warden. The permit must be signed by the permit issuer, must set the date, time and conditions by which the fire may be started or burned and must specifically list the materials that may be burned. No permit will be issued during a burning ban put into effect by the city, Hennepin county, or any Minnesota state department or agency.

Subd. 2. The fire warden may issue a permit for the following:

- a) Ground thawing for utility repair and construction, subject to the following conditions:
 - i) Fuels and starting materials shall be of a kind that do not generate appreciable smoke;
 - ii) Coke used for ground thawing within 500 feet of dwellings or occupied buildings shall contain less than 1% sulfur;
 - iii) Ambient air quality standards for sulfur dioxide and carbon monoxide shall not be exceeded at occupied residences other than those located on the property on which the burning is being conducted; and
 - iv) Propane gas thawing torches or other devices causing minimal pollution shall be used when practicable.
- b) Other activities or materials allowed by state law.

Subd. 3. The fire warden may issue a permit for the following but only after issuance of a permit by the forest officer:

- a) A permit may be issued for the instruction and training of fire fighting personnel and testing of fire extinguishing equipment. The permit for this activity is required even if the ground is snow-covered. Unless the fire is conducted in a specialized industrial setting, it must be conducted in accordance with the techniques described in the Structural Burn Training Procedures for the Minnesota Technical College System.
- b) A permit for a prairie burn but only if conducted in accordance with the controlled prairie burning program established by the forest officer. The forest officer may provide technical assistance to conduct controlled burns that includes controlled burn plan development, demonstration controlled burns, and personnel assistance for a controlled burn.
- c) Elimination of fire or health hazard which cannot be abated by any other practicable means. This includes starting a backfire to prevent the spread of wildfires.

An applicant for a permit from the forest officer must follow the application procedure established by the Minnesota department of natural resources.

Subd. 4. Permits issued under this section by the fire warden may be valid for up to 90 days. Permit holders must notify the fire warden prior to starting the fire. Fires may be started and continued only when burning conditions are safe and the fire is conducted in accordance with this ordinance and state law.

505.11. Open burning conditions and limitations. In addition to the restriction and limitations set forth in the permit, open burning must be conducted subject to the following circumstances and limitations:

- a) The prevailing wind at the time of the burning shall be away from nearby residences and must be less than 15 miles per hour.
- b) The burning shall be conducted as far away as practical from any highway or public road and controlled so that a traffic hazard is not created.
- c) The burning may not be conducted during the duration of an air pollution alert, warning or emergency.
- d) Prior notice must be given to the fire warden of the time and location of any fire authorized by the permit.
- e) The location of the burning shall not be within 600 feet of an occupied residence except if i) the residence is on the property on which the burn is conducted or ii) the residence is on another property whose owner has given written consent. This does not apply in the case of a prairie burn.
- f) The location shall not be within 50 feet of a structure or other combustible material on the property on which the burning is conducted.

505.13. Permit application procedure. Application for open burning permit must contain the following information:

- a) Name, address and the telephone number of the applicant, who must be 18 years old or older.
- b) Location of the burning site and the information about the property owner if different from the applicant.
- c) General description of materials to be burned, including the source and estimated quantity.
- d) Authorization for the fire warden to enter the premises in order to inspect the proposed burn site.

Prior to issuing the permit, the fire warden shall review the application to insure compliance with the provisions of this ordinance and other applicable state or federal laws.

505.15. Responsibilities of a permittee. At all times during the open burning, the permit holder shall:

- a) Have the permit on his or her person and be able to produce it for inspection.
- b) Remain with the fire at all times.
- c) Completely extinguish the fire before leaving the site.

In addition, the permit holder shall not start or cause a fire on any land that is not owned or under his or her legal control without the written permission of the owner, lessee, or an agent of the owner or lessee of the land.

505.17. Liability. A person conducting open burning pursuant to a permit is not excused from the consequences, damages or injuries that may result from the fire.

505.19. Permit denial. Any permit application submitted pursuant to this ordinance shall be denied if:

- a) A reasonable, practical alternative method of disposal of the material is available;
or
- b) A nuisance condition would result from the burning.

505.21. Permit revocation. Any permit is subject to revocation at the discretion of the fire warden if:

- a) A reasonable alternate method of disposal of the material is found;
- b) A fire hazard exists or develops during the course of the burning; or
- c) Any condition of the permit is violated.

505.23. Permit after revocation. No open burning permit may be issued for any property on which a previous open burning permit was revoked within the preceding five years without a site inspection by the fire warden. A fee will be charged for the site inspection in the amount specified in the city's fee schedule ordinance.

505.25. Penalty. A person is guilty of a misdemeanor if he or she:

- a) Violates the provisions of this ordinance;

- b) Fails to control or extinguish the fire before the fire endangers or causes damage to the property of another person;
- c) Fails to keep the fire contained within the area specified by the permit;
- d) Fails to keep the fire restricted to the materials specifically listed on the permit; or
- e) Carelessly or negligently starts a fire that endangers or causes damage to the property of another.

Amendment History of this Section

Adopted July 1, 2008 (Ord. 447). Establishing a new Section 505. Deleting old Section 505 Open Burning in its entirety.