

Outdoor and Refuse Burning Ordinance for the City of Lanesboro.

Ordinance No. 2009-Outdoor Burning

SECTION 1: PURPOSE

1.00 Purpose. This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Lanesboro, Fillmore County, Minnesota due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2: APPLICABILITY

2.00 Applicability. This ordinance applies to all outdoor burning and refuse burning within the City of Lanesboro.

2.1. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2. This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in Section 4 of this ordinance.

2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability. Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.00 Definitions.

4.1. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.2. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

4.3. "Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

4.4 "Fire Chief" means the Chief of the City of Lanesboro Volunteer Fire Department or other person authorized by the Fire Chief

4.5. "Outdoor Burning" means open burning or burning in an outdoor solid fuel fired furnace.

4.6. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney from an enclosed chimney.

4.7. "Outdoor Furnace" means a solid fuel furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

4.8. "Refuse" means any waste material except clean .

4.9 "Solid Fuel" means non-polluting fuel, including clean wood, corn pellets, wood pellets, and the like.

SECTION 5: GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

5.00 General prohibition on outdoor burning and refuse burning. Open burning, outdoor burning and refuse burning are prohibited in the City of Lanesboro unless the burning is specifically permitted by this ordinance.

SECTION 6: MATERIALS THAT MAY NOT BE BURNED

6.00 Materials that may not be burned.

6.10 Unless a specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device. The City of Lanesboro will not issue a permit for burning any of the following materials without air pollution control devices and a written copy of an approval by the Department of Natural Resources.

6.11. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

6.12. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to the restrictions in Chapter NR 590, Minnesota Administrative Code.

6.13. Asphalt and products containing asphalt.

6.14. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.15. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, films and containers.

6.16. Rubber including tires and synthetic rubber-like products.

6.17. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling ordinance except as provided in Section 11 of this ordinance.

SECTION 7: OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.00 Burning leaves, brush, clean wood and other vegetative debris.

Open burning of leaves, weeds, brush, stumps, clean wood other vegetative debris is allowed only in accordance with the following provisions:

7.1. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when either the Fire Chief or the Minnesota Department of Natural Resources has issued a burning ban applicable to the area.

7.2. Outdoor campfires and small bonfires for cooking, ceremonies or recreation are allowed provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Bonfires are allowed only if approved by and in accordance with provisions established by the Fire Chief.

7.3. Burning of trees, limbs, stumps, brush or weeds for clearing or maintenance of rights-of-way is allowed only in the City Brush Dump, in accordance with City Regulations governing the same.

7.4. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

SECTION 8: BURN BARRELS

8.00 Burn barrels.

No burn barrels shall be allowed in the City of Lanesboro.

SECTION 9: OUTDOOR SOLID FUEL FURNACES

9.00 Outdoor furnaces.

An outdoor solid fuel fired furnace may be used in the City of Lanesboro only in accordance with the following provisions:

9.1. The outdoor solid fuel fired furnace shall not be used to burn any of the prohibited materials listed in Section 6 of this ordinance.

9.2. The outdoor solid fuel fired furnace shall be located at least 500 feet from the nearest building which is not on the same property as the outdoor solid fuel furnace.

9.3. The outdoor solid fuel fired furnace shall have a chimney that extends at least 15 feet above the ground surface. The Fire Chief may approve a lesser height on a case-by-case basis if necessary to comply with manufacturer recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.

SECTION 10: FIRE DEPARTMENT PRACTICE BURNS

10.00 Fire department practice burns. Notwithstanding sections 5 and 6 of this ordinance, the City of Lanesboro Volunteer Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with the requirements of the Department of Natural Resources.

SECTION 11: EXEMPTION FOR BURNING CERTAIN PAPERS

11.00 Exemption for burning certain papers.

11.1. Notwithstanding Subsection 6.17 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed under this ordinance

11.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

11.3. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

11.4. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Subsections 7.1-7.3 of this ordinance.

SECTION 12: LIABILITY

12.00 Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 13: RIGHT OF ENTRY AND INSPECTION

13.00 Right of entry and inspection. The Fire Chief or any authorized officer, agent, employee or representative of the City of Lanesboro Volunteer Fire Department or the City of Lanesboro who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 14: ENFORCEMENT AND PENALTIES

14.00 Enforcement and penalties.

14.1. The Fire Chief and the City Council are authorized to enforce the provisions of this ordinance.

14.2. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than twenty-five dollars (\$25) or more than two hundred fifty dollars (\$300.00) plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

Adopted by the Lanesboro City Council, November 16th, 2009.

Attested By: Bobbie Vickerman
City Administrator/Clerk