

ORDINANCE # 42
CITY OF UPSALA
MORRISON COUNTY
STATE OF MINNESOTA

AN ORDINANCE OF THE CITY CODE OF UPSALA WHICH SECTION SHALL BE ENTITLED "OPEN BURNING".

PURPOSE

The purpose of this Section is to establish permitted categories of open burn events for residences and farms within the City of Upsala and provide for a permitting process for residential and agricultural open burning, except when such open burning is defined as a "Recreational/Camp Fire" as prescribed in this Section.

DEFINITIONS

For the purposes of this Section, the terms in this Section have the meaning given them.

- a. Open burning: "Open Burning" means the burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a Recreational/Camp Fire as defined herein.
- b. Recreational/Camp Fire: "Recreational/Camp Fire" means a fire set with approved starter fuel no more than three (3) feet in height, contained within the border of a "Recreational/Camp Fire site" using dry, clean wood; producing little detectable smoke, odor or soot beyond the property line; conducted with an adult tending the fire at all times; for recreational, ceremonial, food preparation or social purposes; extinguished completely before quitting the occasion; and respecting weather conditions, neighbors, burning bans, and air quality so that nuisance, health or safety hazards will not be created. Mobil cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices are not defined as recreation/camping fires.
- c. Recreational/Camp Fire Site: A "Recreational/Camp Fire Site" means an area of no more than three (3) foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks of ferrous metal only and which area is depressed below ground, or on a raised bed. Included are permanent outdoor wood ground fireplaces. Burners are not a Recreational/Camping Fire Site as defined herein. Recreational/Camping Fire Sites shall not be located closer than fifty (50) feet to any structure.
- d. Starter Fuels: "Starter Fuels" mean dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols are permitted as starter fuels and as aids to ignition only. Propane gas torches or other clean gas burning devices causing minimal pollution

must be used to start an Open Burn.

- e. Wood: "Wood" means dry, clean fuel only such as twigs, branches, limbs, "Presto logs", charcoal, cordwood or untreated dimensional lumber. "Wood" does not include wood that is green, with leaves or needles, rotten, wet, oil soaked, or treated with paint, glue or preservatives. Clean pallets may be used for recreational fires when cut into three (3) foot lengths.

Prohibited MATERIALS

No person shall conduct, cause or permit open burning of oils, petro fuels, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke such as tires, railroad ties, treated, painted or glued wood, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint or paint filters.

No person shall conduct, cause or permit open burning of hazardous waste or salvage operations, or open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures. No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

PERMIT REQUIRED FOR OPEN BURNING

No person shall start or allow any open burning on any property in the City of Upsala without first having obtained an Open Burn Permit, except that a permit is not required for any fire which is a Recreational/Camp Site as defined herein.

SUGGESTED GUIDELINES FOR OPEN BURNING

Open Burn permits may be issued for the following purposes:

- Ground thawing for utility repair and construction
- Disposal of vegetative matter for managing forest, prairie or wildlife habit, and in the development and maintenance of land and rights-of-way, where chipping, composting, landspreading or other alternative methods are not practical.
- Disposal of diseased trees generated on site, diseased or infected nursery stock, diseased bee hives.
- Disposal of unpainted, untreated, non-glued lumber and wood shakes where recycling, reuse, removal or other alternative disposal methods are not practical.

Fire Training and Permanent Burn Site permits can only be issued by the Minnesota Department of Natural Resources(DNR).

No fire may be allowed to smolder with no flame present.

PERMIT APPLICATION OF OPEN BURNING AND PERMIT FEES

Open Burning permits shall be obtained by making application on a form prescribed by the Department of Natural Resources (DNR) and adopted by the City. The permit application shall be presented to that City Staff person designated by the City for reviewing and processing said applications.

An Open Burning permit shall require a non-refundable application fee. In the event the Open Burning permit application is approved, the permit fee shall be volume based. Application and permit fees shall be set annually by City Council resolution. However, the City Council may at other times amend its resolution setting the fees as it deems necessary. The fees established by City Council resolution shall continue to be the required fee until amended by a resolution.

PERMIT PROCESS FOR OPEN BURNING

Upon receipt of the completed Open Burning permit application and permit fee, the City staff person shall schedule a preliminary site inspection to locate the proposed burn site, draft a fire event safety plan and note special conditions. The materials to be burned may then be piled for burning at which time a second inspection shall be scheduled to assess volume of material and associated fees, set dates and times of permitted burn and review fire safety considerations. Two (2) days before burning, the permit holder shall notify the City Fire Department of the proposed burn.

PERMIT HOLDER RESPONSIBILITY

Prior to starting an Open Burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every Open Burn event shall be constantly attended by the permit holder or his/her competent representative. The Open Burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan. The Open Burn Fire shall be completely extinguished before the permit holder or his/her representative leaves the site. It is the responsibility of the permit holder to have a valid permit available for inspection on site.

The permit holder is responsible for compliance and implementation of all general condition, special conditions and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn including, but not limited to, fire suppression and administrative fees.

REVOCAION OF OPEN BURNING PERMIT

The Open Burning Permit is subject to revocation at the discretion of a DNR Forest/Conservation Officer, The City Fire Chief or the City Fire Warden. Reasons for revocation include, but are not limited to: as a fire hazard existing or developing during the course of the burn, any of the condition of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn or as a fire smoldering with no flame present.

DENIAL OF OPEN BURNING PERMIT

If established criteria for the issuance of an open burning permit are not met or during review of said application, it is determined that as a practical alternative method of disposal of the material exists, or as a pollution or nuisance condition would result, or if as a burn event safety plan cannot be drafted to the satisfaction of the Fire Warden and Fire Chief, then as a City Staff person may deny the open burning permit application.

BURNING BAN OR AIR QUALITY ALERT

No Recreational/Camp Fire or Open Burn will be permitted when the City or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

RULES ADOPTED BY REFERENCE

Minnesota Statutes 88.02 to 88.22 and Minnesota Uniform Fire Code (where adopted), are hereby adopted by reference and made as a part of this Ordinance as if fully set forth at this point.

PENALTY

Any person violating any provision of the Chapter is guilty of as a misdemeanor and upon conviction shall be punished by as a fine and/or imprisonment.

EFFECTIVE DATE

This Ordinance becomes effective upon its passage and (30) days after its publication according to law.

Passed by the City Council of the City of Upsala, Minnesota this 5th day of July, 1994



Mayor

ATTEST:



Clerk

Introduction Date: 6-6-94
Posting Date: 6-6-94
Adoption Date: 7-5-94
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