

CHAPTER 152 OPEN BURNING

- 152.01 PURPOSE. The purpose of this section is to establish permitted categories of open burning within the City of Chisago City and provide for a permitting process, except when such open burning is defined as a “camp or recreational fire”.
- 152.02 MINNESOTA STATUTES AND RULES. Minnesota statutes 88.01 to 88.22, 88J5, 88.76 and the Minnesota Uniform Fire Code are hereby adopted by reference and made a part of this chapter.
- 152.03 DEFINITIONS. For the purposes of this section, the terms in this section have the meaning given them:
- A. Open Burning or Open Fire - means a fire burning in matter, whether concentrated or disbursed, which is not contained within a fully enclosed fir’s box, structure or vehicle and from which the products of combustion are emitted directly to the open atmosphere without passing through a staff, duct or chimney.
 - B. Camp Fire or Recreational Fire - means a fire set for cooking, warming or ceremonial purposes.
 - C. Snow-covered - means that the ground has a continual, unbroken cover of snow, to a depth of three (3) inches or more, surrounding the immediate area of the fire sufficient to keep the fire from spreading.
 - D. 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 camp or recreational fires when cut into three (3) foot length.
- 152.04.1 NO PERMIT REQUIRED. No permit is required for the following fires:
- A. A fire started when the ground is snow covered.
 - B. A camp fire or recreational fire which is otherwise in compliance with Section 152.05.
 - C. A fire contained in a charcoal grill, camp stove or other devise for the purpose of cooking or heating.
 - D. A fire to burn dried vegetative materials or other materials allowed by Minnesota Statutes or Official State Rules and Regulations in a burner of a design which has been approved by the commissioner in which there is no combustible material within five (5) feet of the base of the burner and is in use only between the hours of 6:00 p.m. and 8:00 a.m. on the following day, when the ground is not snow covered.
 - E. A fire set by the city Fire Department for the purposes of instruction and

training of fire fighting personnel

152.05

CAMP OR RECREATIONAL FIRE REQUIREMENTS.

A. Site Requirements. The following site requirements apply to camp or recreational fires which must:

1. Be contained in an area of no more than a three (3) foot diameter circle as measured from the inside of the fire ring or border;
2. Be completely surrounded by non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or block of ferrous metal only.
3. Be in an area depressed below ground, on the ground or on a raised bed including permanent outdoor wood burning fireplaces; and
4. Not be located closer than twenty (20) feet to any structure.

B. Burn Requirements. The following burn requirements apply to the starting and burning of camp or recreational fires which must:

1. Be ignited with a safe and customarily approved starter fuel using dry clean wood;
2. Produce little detectable smoke, odor or soot beyond the property line of the property on which the camp or recreational fire has been constructed;
3. Be conducted with an adult tending the camp or recreational fire at all times until completely extinguished; and
4. Be extinguished completely before being left unattended.

C. No Nuisance. All camp or recreational fires shall be conducted so as to respect the weather conditions, the fire's effect on or concerns from neighbors, burning bans and air quality so that nuisance, health and safety hazards will not be created.

152.06

PERMIT REQUIRED FOR OPENING BURNING. No person shall start or allow any open burning on any property in the City of Chisago City without first having obtained an open burning permit, except that a permit is not required for any fire which is provided in Section 152.04. Open burning shall be obtained by making application on a form prescribed by the DNR and obtained from the local State Fire Warden. Permits shall be issued for a period not to exceed three (3) days. Permits for open burning shall be granted or denied based upon the guidelines set forth below. A permit may be issued to dispose of vegetated matter for managing forests, prairies, wildlife habitat and in the development and maintenance of land and right-of-ways, clipping, composting, land spreading or

other alternative methods that are not practical only with the approval of the Department of Natural Resources.

152.07

GUIDELINES FOR OPEN BURNING. It is not the intent of this Chapter to promote open burning. Alternative methods such as composting and recycling should be given consideration. The following guidelines govern the issuance or denial of open burning permits:

- A. Prohibited Materials. No person shall conduct, cause or permit open burning of oils, rubbers, plastics, chemically treated materials, or other materials which produce excessive or nuisance smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tarp paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.
- B. Prohibited Burning of Waste. No person shall conduct cause or permit open burning of hazardous waste as defined in Minnesota Statute 116.06 or solid waste generated from an industrial or manufacturing process or from a service or commercial structure.
- C. Prohibited burning of Demolition Debris. No person shall conduct, cause or permit opening burning of burnable building material generated from demolition of commercial or institutional structures. A farm building is not a commercial structure.
- D. Prohibited Burning for Salvage Operations. No person shall conduct, cause or permit salvage operations by open burning.
- E. Motor Vehicles. No person shall conduct, cause or permit the processing of motor vehicles by open burning.
- F. Garbage. No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food, unless specifically allowed under Minnesota Statutes 17.135.
- G. Smoldering Fires. Fires must not be allowed to smolder with no flames present.
- H. Fire Hazard. Open burning will be prohibited when, in the discretion of the local State Fire Warden, there is a substantial risk of creating a fire hazard to other property.

152.08

BURNING BAN. No person shall conduct, cause or permit open burning during a burning ban put into effect by any local authority, county, or state department or agency.

152.09

PERMIT HOLDER RESPONSIBILITY. Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality order 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 if required by the City Fire Department. 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 the permit as required by this section available for inspection at the site by the City Police Department, City Fire Department or DNR Forest/Conservation Officer. The permit holder is responsible for compliance with and implementation of all general conditions, special conditions, and any burn plan 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.

- 152.10 REVOCATION OF OPEN BURNING PERMIT. The open burning permit is subject to revocation at the discretion of the City Police department, City Fire Department, or the DNR Forest/Conservation Office. Reasons for revocation include, but are not limited to: a fire hazard exists or develops during the course of the burn, and of the conditions of the permit are violated during the course of the burn, pollution or nuisance conditions develop during the burn, or a fire is smoldering with no flames present.
- 152.11 PENALTY. Any person violating nay of the provisions of this Chapter is guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$700.00 and/or imprisonment not to exceed 90 days.
- 152.12 EFFECTIVE DATE. The provisions of this Ordinance repealing Chapter 152 shall be effective immediately. The remaining provisions of this Ordinance shall take effect upon its passage and publication as provide by Minnesota Statute.