

ORDINANCE NO. 21

**AN ORDINANCE PROHIBITING THE OPEN BURNING OF ORGANIC MATTER WITHIN
THE CITY OF ROYALTON, MINNESOTA**

Section 1. Purpose. The City Council has made a determination that unregulated burning within the City has an adverse effect upon the health, comfort, repose and property of the residents of the city, specifically finding:

- a. Increases the risk of destruction of personal property and structures.
- b. Increases the pollution of the air and affects the health of residents, primarily those suffering from asthma and other respiratory ailments.
- c. Causes annoyance by smoke drifting onto adjacent properties.
- d. Increases the potential for injury by creating a nuisance attractive to children.
- e. Causes soot and odor to adjacent property.

Therefore, the City Council has enacted this Ordinance restricting the ignition and Maintenance of fires and other burning that may occur within the City of Royalton.

Section 2. Definitions. As used herein, the following terms shall be defined in the following manner:

Subd. 1. Person means any natural person acting either personally or in any representative capacity, corporation, firm, co-partnership, or an association of any nature of kind.

Subd. 2. Timber means and includes trees, saplings, bushes, seedlings, and sprouts from which trees may grow, of every size, nature, kind and description.

Subd. 3. Forest Products means and includes all products derived from timber.

Subd. 4. Owner includes a person owning the fee title to any real property, or the person occupying real property pursuant to a leasehold interest therein.

Subd. 5. Open Fire or Open Burning means a fire which is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.

Subd. 6. 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 which has had the ground five feet from the base of the fire cleared of all combustible material.

Section 3. Prohibition of Fires. All fires within the City of Royalton are prohibited, except for those listed below. In conducting one of the permitted fires, the party must ensure that none of the prohibited materials listed in this chapter are burned.

Subd. 1. Campfires.

Subd. 2. Fire contained in a charcoal grill, camp stove or other device designed for the purpose of cooking or heating.

Subd. 3. A fire contained within a building or structure ignited for the purpose of providing heat to the interior of the structure or to be used in the preparation of food.

Subd. 4. Fires ignited for purposes of fire training as therein defined by Minnesota Statutes 88.17 Subd. 3 (a), pursuant to special permit granted by the local fire warden or other authorized state, county or local authority.

Subd. 5. Controlled Burn. A Controlled Burn—may otherwise be referred to as a prescribed burn—is permitted when used as a technique in the management of vegetation, especially grassland or shoreland areas to stimulates the regeneration of desirable plant species. A Controlled Burn is permitted only under the following circumstances:

- a. Supervision. The burn is supervised at all times by an individual or individuals that the Fire Chief deems qualified for such burns.
- b. Permit. The City Clerks have issued a burning permit for the fire.

Subd. 6. Public Works Burn. The open burning of trees, tree trimmings and natural landscape waste is permitted when such debris has accumulated through the on-going public works operations of the City; provided that the burning occurs on City property, and the City Clerks have issued a permit for the burn.

Subd. 7. Disaster Burn. The open burning of trees, tree trimmings and natural landscape waste is permitted for the duration of a community disaster period in cases where an officially declared emergency condition exists, including a reasonable period after the clean up from such a disaster has been completed. A Disaster Burn may occur only with the approval of the Fire Chief, and may occur only at common collection sites approved by the Fire Chief.

Subd. 8. Construction Clearing Burn. The open burning of Timber is permitted for materials gathered as a result of clearing and grubbing activities on that construction site; provided that the construction site is not less than one and one-half acres in size.

- a. Wind. The wind shall be less than ten miles per hour and blowing in the direction apt to impact the least number of city residents.
- b. Approval. The City Clerks have issued a burning permit for the fire.
- c. Location. The burn must occur on the construction site, and must be not less then three hundred feet from any residence.

Section 4. Materials. Burning of the following materials shall be strictly prohibited:

Subd. 1. Motor oil, 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, tarp paper, insulation, composition board, sheetrock, wiring, paint or paint filters.

Subd. 2. Hazardous waste as defined in Section 116.06 Subd. 11 of the Minnesota Statutes and applicable Commissioner's Rules.

Subd. 3. Solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

Section 5. Prohibition of all Burning. No outside burning may occur during any time when a burning ban is declared by any state, county, or local authority due to an air pollution alert or a fire danger.

Section 6. General Regulations Regarding Permitted Fires.

Subd. 1. No person shall ignite or maintain a fire upon the land of another without the permission of the owner thereof or his or her agent.

Subd. 2. No person shall ignite or maintain a fire on publicly owned or controlled property except in areas designated for the maintenance of campfires by the public authority governing the property.

Subd. 3. Any authorized open fire shall be attended by a competent person until such fire is extinguished.

Section 7. Penalties. Violations of any of the provisions of this ordinance shall be deemed a petty misdemeanor, except a violation of Section 4. Subd. 1, 2, or 3 shall be deemed a misdemeanor. Any person who ignites or maintains a prohibited fire may be liable under this ordinance. Any person who owns or controls property and knowingly permits a prohibited fire to be ignited or maintained on his or her property shall also be liable as if that person had actually ignited the fire.

This ordinance shall supersede and repeal all prior and consistent ordinances. This ordinance shall be effective upon passage and publication required by law.

DATED: 8/15/12

Carol Madson
CLERK

Andrea Lauer
MAYOR

