

12-415 - Open Burning.

- (1) Adoption of State Law by Reference. The provisions of Minnesota Statutes, Chapter 88, as they may be amended from time to time, with reference to the definition of terms, conditions of operation, permits, and all other matters pertaining to open burning are hereby adopted by reference and are made a part of this Chapter as if set out in full. It is the intention of the City Council that all future amendments of Minnesota Statutes, Chapter 88, are hereby adopted by reference or referenced as if they had been in existence at the time this Chapter was adopted.
- (2) City Regulations More Restrictive than State Law. The Council is authorized to impose, and has imposed in this Chapter, additional restrictions on open burning within its limits beyond those contained in Minnesota Statutes, Chapter 88, as it may be amended from time to time.
- (3) Purpose. The purpose of this Chapter is to regulate open burning within the City of Coon Rapids, to protect the public health, safety and welfare. Through passage of this Chapter, the designated fire official is hereby authorized to adopt and impose burning restrictions to aid in the prevention of wildfire and to consult with the Department of Natural Resources (DNR), Division of Forestry to develop any restrictions or other criteria.
- (4) Definitions. For purposes of this Chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:
 - (a) "Designated Fire Official" means the Fire Chief, Fire Marshal, City Fire Warden, or other designee who provides fire protection or public safety services to the City.
 - (b) "Open Burning" means the burning of any matter if the resulting combustion products are emitted directly into the atmosphere without passing through a stack, duct or chimney, except a recreational or campfire as defined herein. Mobile cooking devices such as charcoal grills, wood smokers, manufactured hibachis, and propane or natural gas devices are not considered open burning devices.
 - (c) "Recreational Fire or Campfire" means a fire for recreational, ceremonial, or social food preparation conducted under the following restrictions:
 - (i) The fire is set only with an approved starter fuel; and
 - (ii) The fire is no more than three feet in height and contained within a recreational fire site; and
 - (iii) The fire burns using only dry, clean wood, producing little detectable smoke, odor or soot beyond the property line; and
 - (iv) The fire is conducted by a person at least 18 years of age tending the fire at all times; and
 - (v) Fire extinguishing equipment such as an operable fire extinguisher, buckets, shovels or garden hoses must be readily available and located within 10 feet of the recreational fire site; and
 - (vi) No more than one recreational fire is allowed on a property at one time; and
 - (vii) No recreational fire or campfire is allowed when wind speeds exceed 15 miles per hour based on weather channel reports for sustained winds at the time of the fire; and
 - (viii) A recreational fire may only be conducted between the hours of 8:00 a.m. and 12:00 midnight with a maximum duration of six hours per recreational fire; and

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- (ix) A recreational fire or campfire must burn cleanly in a manner that does not cause objectionable smoke beyond the property line, as determined by the fire official or a police officer; and

- (x) The fire must be extinguished completely and not allowed to smolder before quitting the occasion.
 - (d) "Recreational Fire or Campfire Site" means an area of no more than a three foot diameter circle (as measured from the inside of the fire ring or border); completely surrounded by non-combustible and non-smoke or odor producing material, either natural rock, cement, brick, tile, blocks or ferrous metal. Burning barrels are not a recreational fire site as defined herein. Recreational fire sites shall not be located closer than 25 feet to any structure or combustible materials.
 - (e) "Running Fire" means an attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.
 - (f) "Starter Fuels" means dry, untreated, unpainted kindling, branches 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 may be used to start an open burn.
 - (g) "Vegetative Materials" means dry leaves, dry grass clippings, twigs, branches, tree limbs, untreated or unpainted wood that contains no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.
 - (h) "Wood" means only dry, clean fuels such as twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. "Wood" does not include wood that is green, 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 less than three foot lengths.
- (5) Prohibited Materials.
- (a) No person shall conduct, cause or permit the open burning of oils, petroleum fuels, rubber, plastic, chemically treated materials, or other materials that produce excessive or noxious smoke such as, but not limited to, tire, railroad ties, treated, painted or glued wood composite shingles, tar paper, insulation, composition board, sheet rock, wiring, paint or paint fillers.
 - (b) No person shall conduct, cause or permit the open burning of hazardous waste or salvage operations, solid waste generated from an industrial or manufactured process, materials from a service or commercial establishment, or building materials generated from demolition of commercial or institutional structures.
 - (c) No person shall conduct, cause or permit open burning of discarded materials resulting from the handling, processing, storage, preparation, serving or consumption of food.
 - (d) No person shall conduct, cause or permit the open burning of any leaves or grass clippings.
 - (e) The use of burners, as described in Minnesota Statute §88.16, subd. 2(d), are prohibited within the City's jurisdiction.
- (6) Open Burning Prohibited Except by Permit. No person shall start or allow any open burning on any property in the City without first having obtained an open burning permit. A permit is not required for any fire which is a recreational fire or campfire as defined in Section (4).
- (7) Permitted Open Burning.
- (a) Under special or extraordinary circumstances, open burning permits may be issued by the City or by a Minnesota Department of Natural Resources (DNR) forestry official for:
 - (i) Elimination of health hazard that cannot be abated by other practical means, as determined by the Commissioner of Health or the local health authority.
 - (ii) Ground thawing for utility repair and construction.
 - (iii) Running fires.

- (iv) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, land-spreading or other alternative methods are not practical.
 - (v) Disposal of diseased trees generated on-site, diseased or infected nursery stock, or diseased bee hives.
 - (vi) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.
- (b) Fire training permits may only be issued by the Minnesota Department of Natural Resources (DNR).
- (c) Permits for the operation of a permanent tree and brush burning site may only be issued by the Minnesota Department of Natural Resources (DNR).
- (8) Permit Application and Fees.
- (a) Open burning permits shall be obtained by making application on a form prescribed by the DNR and adopted by the Fire Department. The permit application shall be presented to the designated fire official for review.
 - (b) An open burning permit shall require the payment of a fee. Permit fees shall be in an amount established by the City Council.
- (9) Permit Process.
- (a) The applicant shall demonstrate to the designated fire official the ability to comply with the applicable state statutes, this Chapter, or any additional guidelines as may be adopted.
 - (b) Upon receipt of the completed open burning permit application and fee, the designated fire official may, if he or she believes necessary, require a preliminary site inspection to locate the proposed burn site, note special conditions, and set dates and times of permitted burn and review fire safety considerations, including the preparation of a detailed burn event safety plan with the designated fire official when conditions require.
- (10) Denial of Permit.
- (a) If the established criteria for the issuance of an open burning permit are not met, the application will be denied.
 - (b) Even if the established criteria for the issuance of an open burning permit are met, if it is determined that a practical alternative method for disposal exists, a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the designated fire official, the application may be denied.
- (11) Permit Holder Responsibility.
- (a) 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.
 - (b) The open burning site shall have appropriate communication and fire suppression equipment available.
 - (c) The open burn shall be attended to at all times. No fire may ever be allowed to smolder. The fire shall be completely extinguished before the permit holder or his or her representative leaves the site. It is the responsibility of the permit holder to have a valid permit, as required by this Chapter, available for inspection on site by law enforcement, the Fire Department, a Minnesota Pollution Control Agency (MPCA) representative, or DNR officer.
 - (d) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and guidelines 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.

- (12) Revocation of Permit. An open burning permit is subject to revocation at the discretion of a DNR officer or the designated fire official. Reasons for revocation include but are not limited to:
- (a) A fire hazard existing or developing during the course of the burn.
 - (b) The burn is conducted in violation of any permit conditions during the course of the burn.
 - (c) Pollution or nuisance conditions developing during the course of the burn.
 - (d) A fire smoldering with no flame, or attendant, present.
- (13) Burning Ban or Air Quality Alert.
- (a) The designated fire official is authorized to determine when conditions make open burning potentially hazardous and declare a burning ban within the City.
 - (b) No recreational fire or open burn will be permitted when the City or the DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an air quality alert.
 - (c) A person conducting a recreational fire or campfire must immediately extinguish the fire if ordered to do so by the fire official or a police officer, when in the officer's sole discretion, the smoke is objectionable beyond the property line. Once so ordered, the recreational fire may not be re-started for a period of at least 12 hours, and then only when the fire complies with this Chapter.
- (14) Administrative Penalties.
- (a) A person violating any recreational fire or campfire provisions of this Chapter is subject to an administrative citation with a penalty of \$75.
 - (b) A person violating the recreational fire or campfire provisions of this Chapter a second or subsequent time within 18 months of a previous violation is subject to an administrative citation with a penalty of two times the previously imposed penalty.
 - (c) Failure to pay an administrative penalty within 30 days of the violation is a violation of this Chapter. Unpaid penalties may be collected as a special assessment against the property if the owner of the property was present during the recreational fire or if the owner received written notice of the administrative citation within 14 days of the violation.
 - (d) A person who receives an administrative citation or written notice of an administrative citation may appeal the violation by following the procedure set forth in Section 2-1106.
- (15) Criminal Penalty. Violation of any provision of this Chapter, including maintaining a nuisance after being notified in writing, is a misdemeanor offense as defined by State law.
- (16) Severability. If any provision of this Chapter is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

[Revised 11/4/09, Ordinance 2023]

CHAPTER 8-300 - BURNING OF GARBAGE AND RUBBISH

8-301 - Standards and Regulations Adopted.

The Ambient Air Quality Standards and Air Pollution Control (APC) Regulations 1-15, and amendments thereto, are hereby incorporated in and made a part of this Code as if completely set out in full.

8-302 - Public Copies.

One copy of the standards and regulations shall be marked as official copies and filed in the office of the City Clerk for use and examination by the public.

8-303 - Parental Responsibility.

No parent shall permit, authorize, or allow a minor child to perform any act prohibited by this Chapter. The finding of any minor in violation of this Ordinance shall be prima facie evidence that his parent, guardian, or other person having lawful care, custody, or control, allowed or permitted such violation.

8-304 - City Council Finding.

The City Council hereby finds and declares that adequate refuse collection services are available within the City.

8-305 - Storage of Combustible Materials.

No ashes, smoldering coals or embers, greasy or oil substances, or other matters liable to spontaneous ignition, shall be deposited within 10 feet of any wooden or plastered wall, partition, fence, floor, lumber, hay, shaving, rubbish, or other combustible materials except in metallic or other noncombustible receptacle. Such receptacles, unless resting on the ground outside the building, shall be placed on noncombustible stands, and in every case shall be kept at least two feet away from any wall or partition.

8-306 - Incinerator Standards.

All new incinerators and all existing incinerators shall be of a type approved by the Pollution Control Agency for the incineration of Type 2, 3, 4, 5, and 6 waste, as classified by the Incinerator Institute of America. All such incinerators shall be equipped with auxiliary fuel burners of such capacity and design as to assure a temperature in the secondary combustion chamber of at least 1200 degrees Fahrenheit.

8-307 - Enforcement.

It shall be the duty of the Inspection Department, as well as the duty of all other officials so charged under other laws, to take all action necessary or proper for the enforcement of this Chapter.



GUIDELINES FOR RECREATIONAL FIRES

(City Code 12-415)

Recreational fires will be allowed without a permit, but subject to limitations which will be strictly enforced. The following rules will apply:

1. Burning will be allowed from 8:00 a.m. and 12:00 midnight with a maximum duration of six hours per recreational fire
2. Recreational fires shall not exceed 3 feet in diameter and a flame height of approximately 3 feet.
3. Only clean dry wood may be burned, with a minimum of 1 inch diameter. No brush, yard waste, or treated wood may be burned. (City Code 12.415)
4. A responsible adult must be present at all times.
5. The fire must be located on your own property. If the fire is in an easement area, you must have approval from all involved parties.
6. A means of controlling or extinguishing the fire must be available at all times. (Buckets, shovels, and garden hoses, for example)
7. Fires are not allowed if winds are in excess of 15 miles per hour. Current weather conditions may be checked on the National Weather Service website: www.crh.noaa.gov/mpx/. Enter your zip code into search box for Current conditions.
8. Recreational fires shall not be conducted within 25 feet of a structure.
9. Any police or fire officer may withdraw permission for the fires due to climatic conditions, extreme dryness, nuisance problems, or violations of the guidelines.

REMEMBER YOU ARE RESPONSIBLE FOR ANY DAMAGE CAUSED BY YOUR FIRE

If you have any questions concerning these rules, please call us at: 763-767-6549.

Todd Williams, Fire Marshal
Coon Rapids Fire Department