

## ORDINANCE NO. 228

### AN ORDINANCE ESTABLISHING BURNING REGULATIONS IN THE CITY OF LAKE CRYSTAL, MINNESOTA

Be it ordained by the City Council of the City of Lake Crystal, Minnesota:

#### SECTION 1. DEFINITIONS.

- Subdivision A. Person. As defined in Minnesota Statutes 1967, Section 116.06, Subd. 8.
- Subdivision B. Open Fire. Open Fire or Open Burning means a fire burning in a manner, whether concentrated or dispersed, which is not contained within a fully enclosed fire box, structure, or container, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.
- Subdivision C. Recreational Fire. Recreational Fire means a fire set for cooking, warming, recreational, or ceremonial purposes, which is not more than three (3) feet in diameter by three (3) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.
- Subdivision 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 Fire.
- Subdivision E. Wood. Wood means dry, clean fuel only such as twigs, branches, limbs, "presoto 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 to three (3) foot lengths.

#### SECTION 2. RECREATIONAL FIRE.

- Subdivision A. Recreational Fire Site Requirements. An area of no more than a 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 block of ferrous metal only and which area is depressed below ground, or on a raised bed. Included are permanent outdoor wood burning fire places. Recreational fire sites shall not be located closer than twenty-five (25) feet to any structure. Burners are not a recreational fire site as defined herein.
- Subdivision B. Recreational Fire Burn Requirements. When a fire is used for recreational purposes, it must be ignited with an approved starter fluid 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; 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. Mobile cooking devices such a manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices, are not defined as recreational fires.

### SECTION 3. OPEN BURNING PROHIBITED.

- Subdivision A. From and after the effective date of this ordinance, except as herein otherwise provided, open burning shall be prohibited within the City of Lake Crystal, Minnesota.
- Subdivision B. The use of burners or burn barrels for burning vegetative matter is prohibited.

### SECTION 4. EXEMPTIONS.

Open burning of the types and subject to the conditions, as hereinafter stated, shall be exempt from the prohibition of Section 3 of this Ordinance:

- Subdivision A. Recreational fires.
- Subdivision B. Fires under managed supervision for which a burning permit has been obtained where required by law, from the Department of Natural Resources, but limited to the following:
- a) Fires purposely set for the instruction and training of public and industrial fire fighting personnel.
  - b) Fires set for the elimination of a fire hazard which cannot

be abated by any other practicable means.

- c) Fires purposely set for forest and game management purposes.

Subdivision C. Exemption to conduct fires under this section does not excuse a person from the consequences, damages or injuries which may result therefrom nor does it exempt any person from regulations promulgated by the Minnesota Pollution Control Agency or any other governmental unit exercising jurisdiction in matters of pollution or fire hazard regulation.

Subdivision D. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane or natural gas devices .

#### SECTION 5. RULES ADOPTED BY REFERENCE.

Minnesota Statutes 88.02 through 88.22, 88.75, 88.76 and the Minnesota Uniform Fire Code are hereby adopted by reference and made a part of this Ordinance as if fully set forth at this point.

#### SECTION 6. PENALTY.

Subdivision A. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished by a fine not to exceed \$1,000.00 or imprisonment in the Blue Earth County jail for not more than ninety (90) days or both.

Subdivision B. In addition to any penalty provided under Subdivision A of this Section, the City and/or Fire or Police Departments may seek reimbursement of any costs, either through restitution in a criminal proceeding or in a separate civil proceeding, that are incurred as a result of the violation of this Ordinance or enforcement of this Ordinance.

#### SECTION 7. AUTHORITY OF POLICE DEPARTMENT.

This Ordinance will provide the Police Department with authority to put out any fires that are deemed to be in violation of this Ordinance. The Officer shall act with all reasonable care and if in their discretion it would be unsafe for them to put out the fire, that they will call the Fire Department to dispose of the fire in the safest manner possible.

#### SECTION 8. EFFECTIVE DATE.

This Ordinance shall be in force and effect, from and after its passage and

publication.

Adopted by the City Council of Lake Crystal, Minnesota this 18th day of June, 2001.

ATTEST:

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Glen Wiens, Mayor

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Robert J. Hauge, City Administrator

**ORDINANCE NO. 263**

AN ORDINANCE TO AMEND ORDINANCE NO. 228  
OF THE CITY OF LAKE CRYSTAL , MINNESOTA

AN ORDINANCE AMENDING THE LAKE CRYSTAL RULES AND REGULATIONS FOR  
BURNING REGULATIONS IN THE  
CITY OF LAKE CRYSTAL, MINNESOTA

Be it ordained by the City Council of the City of Lake Crystal, Minnesota.

SECTION 1. Section 5 of Ordinance No. 228 of the City of Lake Crystal, Minnesota is hereby amended to read as follows:

Minnesota Statutes 88.02 through 88.22, 88.75, 88.76 and the Minnesota State Fire Code are hereby adopted by reference and made a part of this Ordinance as if fully set forth at this point.

SECTION 2. This Ordinance shall be in force and effect ten days from and after its passage and publication.

Passed and adopted this 16<sup>th</sup> day of July, 2007

ATTEST:

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Brad Ahrenstorff, Mayor

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Robert J. Hauge, City Administrator