

AN ORDINANCE ESTABLISHING OPEN BURNING RESTRICTIONS.

THE CITY COUNCIL OF THE CITY OF OAK PARK HEIGHTS, WASHINGTON COUNTY, MINNESOTA, DOES ORDAIN:

501.01 State Burning Regulations Adopted.

There is hereby adopted, for the purposes of regulating open burning, those certain regulations known as Air Pollution Control Rules, Regulations and Air Quality Standards, as adopted May 11, 1969, by the Minnesota Pollution Control Agency as amended by 1974 Supplement, except as modified herein, of which not less than three (3) modified copies have been, and now are, on file in the office of the Oak Park Heights City Clerk.

501.02 Refuse Burning Restrictions.

No person shall dispose of refuse by open burning, or cause, suffer, allow, or permit open burning of refuse, providing, however, that this Section shall not be construed to prohibit the use of gas fired incinerators of sufficient size and capacity approved by the Minnesota Pollution Control Agency.

501.03 Prohibitions of Salvage Operations by Open Burning.

- A. No person shall conduct, cause, or permit the conduct of a salvage operation by open burning.
- B. A salvage operation shall not constitute an installation within the meaning of Air Pollution Control Rules, Regulations and Air Quality Standards, Chapter Three, of Minnesota Pollution Control Agency.

501.04 Restriction on Open Burning of Tree Leaves.

The open burning of leaves is prohibited.

501.05 Recreational Fires Permitted.

These regulations shall not apply to wood burning fireplaces nor to fires used solely for the preparation of food by barbecuing. Indoor and outdoor fires may be used for cooking, warmth, or recreational purposes without permit provided, however, that such fires shall not be used for purposes of refuse disposal and shall not violate any other ordinances of the City of Oak Park Heights.

501.06 Exceptions.

Exceptions herein may be allowed upon application and approval by the City Fire Marshal provided that the burning is not prohibited by or is conducted in compliance with other applicable laws, ordinances and regulations. Exemption to conduct open

burning under the provision of this regulation does not excuse a person from the consequences, damages or injuries which may result therefrom. The following are exceptions for which the application may be made:

- A. Fire 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 or game management in accordance with practices recommended by the Minnesota Department of Conservation, the Minnesota Department of Agriculture, and the United States Forest Service.
- D. The burning of hydrocarbons which must be wasted through the use of atmospheric flares.
- E. The burning of trees, brush, grass, and other vegetable matter in the clearing of land, right-of-way maintenance operations, and agricultural crop burning is permitted under the following conditions:
  - 1. The prevailing winds at the time of burning must be away from platted or commercial area of the City.
  - 2. The location of burning must not be within one thousand (1,000) feet of an occupied residence other than those located on the property on which the burning is conducted.
  - 3. Oils, rubber or other similar materials which produce unreasonable amount of air contaminants may not be burned.
  - 4. The burning must not be conducted within one thousand (1,000) feet of any highway or public road and, in any event, must be controlled so that a traffic hazard is not created.

501.07

Minnesota Pollution Control Agency Variance.

In the event the Minnesota Pollution Control Agency grants a variance to the City of Oak Park Heights, or to any part of said City, of the open burning restrictions as contained in this Ordinance, or as contained in those certain regulations known as Air Pollution Control Rules and Air Quality Standards, the following regulations regarding the setting and controlling of fires within such areas are hereby established:

- A. No person or persons shall start or allow to burn for any purpose any fire outdoors, except as hereinafter provided:
1. Ordinary rubbish, excluding garbage or domestic type burning is permitted between the hours of 5:00 o'clock P.M. and 8:00 o'clock P.M., in a covered-type container having ventilating openings no greater than one (1) square inch so as to prevent flying ashes, embers and menacing flames and located not less than fifteen (15) feet from adjoining inflammable matter and located upon the owner's or tenant's land so as not to constitute a menace or nuisance to adjoining property owners. The above hours do not apply to Saturdays and Sundays when burning is permitted from 12:00 o'clock noon until 8:00 o'clock P.M. Garbage shall be defined as food wastes.
  2. Fire used for recreational purposes may be conducted in any public park area during the time said public park is open to the public, and under the supervision of the person or persons using same. Said fires may be conducted by any person or tenant of land when used for recreational purposes and when done under the supervision of written consent of said owner or tenant, and that said fires must be kept under constant control.
  3. Agricultural, manufacturing, or commercial burning is permitted only after application to and permission from the contract Fire Department and is subject to conditions imposed by such permit.
  4. No person shall start or allow to burn any outdoor fire for any purpose whatsoever during any period which is designated by the City Council as hazardous, after adoption of a resolution by said City Council so indicating and ten (10) days published or posted notice of the same.

501.08

Penalty.

Any person who violates any provision of this Ordinance, upon conviction thereof, shall be punished by a fine not exceeding Seven Hundred Dollars (\$700.00) and/or imprisonment for a period not exceeding ninety (90) days, or both.