

## ORDINANCE 134.00

### AN ORDINANCE RELATING TO OPEN BURNING WITHIN THE CITY OF KERKHOVEN CORPORATE LIMITS

*This Ordinance shall replace Ordinance #131.00*

134.01 **Definitions.** For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Open Burning. The burning of any matter if the resultant combustion products are emitted directly to the atmosphere without passing through a stack, duct or chimney, except a “recreational fire” as defined herein. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers and propane or natural gas devices are not defined as “open burning.”

Recreational Fire. A fire set with approved starter fuel no more than three feet in height, contained within the border of a “recreational fire site” 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; for recreational, ceremonial, food preparation for social purposes; 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. No more than one recreational fire is allowed on any property at one time.

Recreational Fire Site. An area of no more than a three foot diameter circle (measured from the inside of the fire ring or border); completely surrounded by a non-combustible and non-smoke or odor producing material, either of natural rock, cement, brick, tile or blocks or ferrous metal only on which the area is depressed below ground, on the ground or on a raised bed. Included are permanent outdoor wood burning fireplaces. Burning barrels are not a “recreation fire site” as defined herein.

**Recreational fire sites shall not be located closer than 25 feet to any structure.**

Starter Fuels. Dry, untreated, unpainted, kindling, branches, cardboard 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 burn.

Wood. Dry, clean fuel only such as twigs, branches, limbs, “presto logs,” charcoal, cord wood or untreated dimensional lumber. The term 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 into three foot lengths.

134.02 **Prohibited Materials.**

- (A) No person shall conduct, cause or permit open burning oils, petro fuels, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke such as tires, 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 open burning of hazardous waste or salvage operations, open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial establishment or building material generated from demolition of commercial or institutional structures.
- (C) No person shall conduct, cause or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.

(D) No person shall conduct, cause or permit open burning of any leaves or grass clippings.

134.03 **Burning Ban or Air Quality Alert.** No recreational fire or open burn will be permitted when the City or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

134.04 **Penalty.** Violation of any provision of this Ordinance is guilty of a petty misdemeanor and upon conviction shall be punished by a fine not to exceed \$300.00.

The Ordinance shall be effective after its adoption and second publication.

This Ordinance introduced by Council Member Jerry Goblirsch on July 13, 2009

This Ordinance published on July 22, 2009

Hearing held August 10, 2009

Ordinance adopted August 10, 2009

Ordinance published August 19, 2009

/s/ Brian Thompson, Mayor

/s/ Kim Harkema, Clerk-Treasurer