

108.13 OPEN BURNING (Ref 1238)

1. Open Burning Prohibited. Except as otherwise permitted by this section, all open burning is prohibited in the City of Fridley.
2. Definitions. For the purposes of this section the following definitions shall apply:
 - A. "Open Fire" or "Open Burning" means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.
 - B. "Person" includes any natural person acting either personally or in any representative capacity, a corporation, a firm, a co-partnership, or an association of any nature or kind.
 - C. "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 may be used to start an open fire.
 - D. "Wood" means dry, clean fuel only such as twigs, branches, limbs, commercially made logs for heating, 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 three foot lengths.
 - E. "Recreational Fire" means a fire set for cooking, warming or ceremonial purposes which is not more than three (3) feet in diameter by two (2) feet high, and has had the ground five (5) feet from the base of the fire cleared of all combustible material.
 - F. "Burning Permit" is a permit issued by the Fire Chief or designee authorizing fires exempted from the general provisions hereof and setting conditions therefore.
 - G. "Burner" means a firebox, barrel or similar container used for an outdoor fire, but not including grills or barbecues used principally for the cooking of food, or outdoor fireplaces.
 - H. "Outdoor Fire Place" means a manufactured freestanding fire pit or barbecue pit approved and listed by a nationally recognized agency such as Underwriters Laboratories (UL) for the purpose of recreational fires that is enclosed with spark arresting screening and is used per the manufacturer's instructions.
 - I. "Bon Fire" means an outdoor fire utilized for ceremonial purposes.
 - J. "Fire Extinguishing Equipment" means any approved equipment and material such as a fire extinguisher with a minimum 4-A rating, garden hose and water supply, or shovel and sand, that is used for the purpose of extinguishing a fire.

3. Exemptions. The following types of open burning shall be exempt from the prohibition of Section 108.13.1:
 - A. Recreational fires subject to the conditions of Section 108.13-12.
 - B. Fires purposely set under the supervision of the Fire Department for the instruction and training of fire fighting personnel.
 - C. Fires for which a burning permit has been obtained.
4. Burning Permit. Except for permits issued by the Minnesota Department of Natural Resources for fire training and permanent burn sites, the Fire Chief or designee may issue a burning permit for any of the following:
 - A. Fires set for the elimination of a fire hazard which cannot be abated by any other practical means.
 - B. Fires purposely set for forest, prairie and game management purposes when no other alternative methods are practical.
 - C. The burning of trees, brush, grass and other vegetable matter in the clearing of land, the maintenance of street, roadway, highway or railroad right-of-way, park land and in accepted agricultural land management practices where chipping, composting, landscaping or other alternative methods are not practical.
 - D. The disposal of diseased trees generated on site or diseased or infected nursery stock.
 - E. Ground thawing for utility repair and construction.
 - F. Bon Fires under the direct supervision of the Fire Department.
5. Prohibited Materials.
 - A. No permit may be issued for the open burning of 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, sheetrock, wiring paint or paint filters.
 - B. No permit shall be issued for the open burning of hazardous waste or salvage operations, 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 industrial structures, or discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.
6. Procedure for Permit Issuance.
 - A. Application for a burning permit shall be submitted to the Fire Chief on a form prescribed by the City.
 - B. The Permit fee shall be as provide in chapter 11 of the City Code.

C. The Fire Chief, or designee, shall review the application to insure compliance with the provisions of this section and any applicable State laws and/or regulations.

D. The Fire Chief, or designee, may inspect the proposed burn site on such occasions and at such time as is deemed necessary to adequately review the application. Submission of the application shall constitute authorization for the Fire Chief, or designee, to enter the premises for this purpose.

E. Within five business days, excluding Saturdays, Sundays and legal holidays, after receipt of the application the Fire Chief, or designee, shall either grant or deny the application.

7. Denial of Permit.

A. Application for a burning permit may be denied for any one of the following reasons:

1. The proposed fire or burn site does not meet the requirements of this section.
2. The Fire Chief, or designee, determines that there is a practical alternative method of disposal of the material.
3. The Fire Chief, or designee, determines that the fire would result in a pollution or nuisance condition.
4. The Fire Chief, or designee, determines that the burn cannot be safely conducted and no plan has been submitted to adequately address the safety concerns.
5. The location of the burning shall not be within 600 feet of an occupied residence other than those located on the property on which the burning is conducted.
6. The denial of any application shall be in writing and shall state the reasons for the denial.

B. Any person aggrieved by the denial of a burning permit may appeal that decision to the City Council by submitting a written request or appeal to the Fire Chief's office within ten days after the date of the denial. The Fire Chief shall submit the appeal request to the City Manager for placement on the next available agenda.

8. Responsibilities of Permit Holder. The holder of any permit shall be responsible for the following:

- A. Have a valid permit in possession at the burn site at all times during the burn.
- B. Prior to starting burn, confirming that no burning ban or air quality alert is in effect.
- C. Constant attendance by the permit holder or competent representative during a burn event.
- D. Availability at the burn site of appropriate communication and fire extinguishing equipment as required by the permit or any fire safety plan approved by the Fire Chief, or designee, as part of the permit process.

- E. Not allowing the fire to smolder.
 - F. Being sure that the fire is completely extinguished before the permit holder or representative leaves the site.
 - G. All costs incurred as a result of the burn including, but not limited to, fire suppression, administrative fees, property damage and personal injuries.
9. Revocation of Permit. An officer of the Minnesota Department of Natural Resources, the Fire Chief, or designee, may revoke any burning permit for appropriate reasons including, but not limited to:
- A. A fire hazard exists or develops during the course of the burn.
 - B. Pollution or nuisance conditions develop during the course of the burn.
 - C. The fire smolders with no flame present.
 - D. Any of the conditions of the permit are violated during the course of the burn.
10. Burning Ban or Air Quality Alert. No recreational fire or open burn will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to potential hazardous fire conditions or when Minnesota Pollution Control Agency has declared an air quality alert.
11. Use of Burners Prohibited. No person shall use a burner within the City.
12. Recreational Burning. Recreational fires shall comply with the following requirements:
- A. Burning shall be prohibited between 12:00 Midnight and 9:00 AM during any day of the week.
 - B. The fire shall not exceed three (3) feet in diameter and a flame height of approximately two (2) feet.
 - C. Only clean wood or charcoal may be burned. No burning of trash, leaves or brush is allowed.
 - D. The fire is ignited with an approved starter fuel.
 - E. The fire is constantly attended by an adult person knowledgeable in the use of fire extinguishing equipment and an adult attendant supervises the fire until the fire has been totally extinguished.
 - F. Fire-extinguishing equipment is readily available.
 - G. Fire is not conducted within twenty-five (25) feet of a structure or combustible material. This distance may be reduced to within fifteen (15) feet of a structure or combustible material when contained in an outdoor fireplace or container approved by the Fire Chief.
 - H. Any conditions that could cause a fire to spread to within twenty-five (25) feet of a structure shall be removed or eliminated prior to ignition.
 - I. Recreational fires are not permitted on windy days when smoke may create a nuisance.