

## CITY OF LAUDERDALE

## CHAPTER 7

OPEN BURNING<sup>1</sup>

## SECTION:

5-7-1: Purpose

5-7-2: Definitions

5-7-3: Prohibited Acts

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## 5-7-1: PURPOSE:

The purpose of this ordinance is to: prohibit open burning, and regulate the burning of recreational fires and open flame decorative devices so the activity does not pose a nuisance or safety concern to the homeowner or neighbors and is in compliance with the Minnesota State Fire Code as may be amended from time to time.

## 5-7-2 DEFINITIONS:

Approved Material: approved material means dried wood from trees, twigs, small branches, charcoal, and cord wood.

Combustible Material: combustible material is capable of catching fire and burning and includes such things as wood, paper, and plastic.

Multiple-family Dwelling: includes apartments and condominiums but does not include duplexes or townhomes as defined by the state building code.

Open Burning: means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle, or does not meet the criteria established for a recreational fire, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.

Open Flame Decorative Devices: are flame-producing devices used as decorations. Examples include “tiki” style torches, citronella candles, lamps, torches, and candelabras no matter the size of the device or flame.

Prohibited Material: prohibited material includes, but is not limited to the following items:

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1. M.S.A. § 412.221, subd. 6.

treated lumber materials, garbage, waste products, vegetable matter, plastic, construction material, leaves, grass clippings, particle board, chip board, cardboard, paper, and green timber.

Recreational Fire: as used herein, means a small fire that is no more than three (3') feet in diameter and does not exceed two (2') feet in height and is used for pleasure, religious, ceremonial, cooking, warmth, or similar purposes and is contained in an area of non-combustible, non-smoke and non-odor producing materials such as natural rock, cement, brick, tile, or block resting on the ground at least 6" deep or on a raised bed at least 6" high. Commercially purchased fire pits shall satisfy the contained area requirement of this Ordinance. The contained area shall not be located closer than 25 feet to any structure, vehicle, or combustible material.

#### 5-7-3: PROHIBITED ACTS:

A. No person shall permit or have an outdoor fire that does not meet the requirements of this ordinance. Other than recreational fires and open flame decorative devices, no other open fires or outdoor burning shall be permitted. Only one recreational fire shall be burning in one location on a property at one time.

B. Recreational fires and open flame decorative devices must be immediately extinguished if they pose a fire safety risk, if they are not in compliance with state law or city code, or when directed to do so by a police officer, firefighter, fire warden, or DNR officer.

C. No person shall negligently or carelessly permit a recreational fire or open flame decorative device on premises owned, occupied, or controlled by him to get out of control so as to require assistance of fire fighting equipment in the extinguishing of such fire. (Ord. 46, 5-1-1969)

D. Recreational fires and open flame decorative devices are not permitted in the boulevard.

E. Persons may only burn those items listed as approved materials in section 5-7-2.

F. Apartment Balconies: It is unlawful for any person to set, kindle, maintain, or permit any fire or open flame on any balcony of a multiple-family dwelling or apartment building in any barbecue or similar heating, cooking, burning or lighting equipment or device, regardless of the source of energy for said equipment or device, except in buildings of all masonry construction where the equipment or device is permanently affixed to the balcony and has a permanently affixed hood. (Ord. 70, 6-17-1980; 1996 Code)

#### 5-7-4: CONDITIONS

A. A recreational fire is not permitted between the hours of 12:00 a.m. and 7:00 a.m.

B. A recreational fire shall not burn when the Minnesota Pollution Control Agency (MPCA) issues an air quality warning.

- C. The recreational fire must have extinguishing equipment such as a garden hose, fire extinguisher with a 4-A rating, sand, or dirt readily available at all times.
- D. The recreational fires and open flame decorative devices must be tended to at all times by an unimpaired, responsible adult 18 years of age or older.
- E. The fire chief or fire marshal from the City's contracted fire department may call a burning ban in cases of exceptional fire risk.

**5-7-5: PENALTY:**

Any person, firm, or corporation who violates any provision of this code for which another penalty is not specifically provided, shall, upon conviction, be guilty of a misdemeanor under Minnesota Statute section 609.03 as it may be amended from time to time by the Minnesota Legislature. The cost of prosecution may be added. A separate offense shall be deemed committed upon each day during which a violation occurs or continues.

Last revised, November 13, 2012.