

CITY OF ST. CLAIR
ORDINANCE CODE
CHAPTER 97: OPEN BURNING

The City of St. Clair hereby ordains:

SECTION 97.01 PURPOSE

The purpose of this Ordinance is to protect the public's health and prevent nuisance; to protect air and ground water resources; to minimize reliance upon disposal by burning; to promote waste abatement such as recycling and composting; and to supplement and support the controls of Blue Earth County and the State of Minnesota over open burning. Regulations on burning are necessary to protect the public health, safety and welfare.

SECTION 97.02 DEFINITIONS

The following words and phrases, when used in this Ordinance, unless the context clearly indicates otherwise, shall have the meanings ascribed to them in this Section:

BURNING BAN - means the Blue Earth County Sheriff's Department has instituted a ban on all or some kinds of burning within Blue Earth County.

CONSTRUCTION DEBRIS - means waste building material, treated, painted or glued wood, tar paper, insulation, composition board, sheetrock, wiring, packaging and rubble resulting from construction, remodeling and repair.

DEMOLITION DEBRIS - means solid waste resulting from the demolition of buildings and other man-made structures, including but not limited to, materials such as concrete, brick, bituminous concrete, masonry, glass, rock, dimensional wood, plywood, wood trim, treated wood, tar paper, insulation, sheetrock, wiring, rubber, plastics and vinyl building parts. Demolition debris does not include asbestos wastes.

FOOD WASTE - means material resulting from the handling, processing, storage, preparation, serving or consumption of food.

HAZARDOUS WASTE - as defined in MS 116.06, means any refuse, sludge, or other waste material or combination of refuse, sludge, or other waste materials in solid, semi-solid, liquor, or contained gaseous form which because of its quantity, concentration, or chemical, physical, or infectious characteristics may: (a) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (b) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, or disposed of, or otherwise managed. Categories of hazardous waste materials include, but are not limited to: explosives, flammables, oxidizers, poisons, irritants and corrosives. Hazardous Waste does not include source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended.

INDUSTRIAL SOLID WASTE - means all solid waste generated from an industrial or manufacturing process and solid waste generated from non-manufacturing activities such as service and commercial establishments. Industrial solid waste does not include office materials, restaurant and food preparation waste, discarded machinery, demolition debris, or household refuses.

MIXED MUNICIPAL SOLID WASTE - means garbage, refuse, and other solid waste from residential, commercial, industrial, and community activities that the generator aggregates for disposal, but does not include auto hulks, street sweepings, ash, construction debris, mining waste, sludge, tree and agricultural wastes, tires, lead acid batteries, used oil, and other materials, collected, processed, and disposed of as separate waste streams.

OPEN BURNING – means a fire 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 campfire as defined herein. Grills, hibachis, smokers and other commonly accepted mobile cooking devices using charcoal, propane, natural gas or other fire starting devices, are not defined as open burning.

PROHIBITED MATERIALS – means materials which are not allowed to be used when burning a recreational campfire. Prohibited materials include, but are not limited to: construction debris, demolition debris, food waste, hazardous waste, industrial solid waste, mixed municipal solid waste, oils, rubber, plastics, garbage, leaves, grass or other materials which produce excessive or noxious smoke.

RECREATIONAL CAMPFIRE – means a fire for cooking, warming, recreational, ceremonial or social purposes using only clean, dry, untreated wood.

STARTER MATERIALS – means materials used to start an authorized fire: clean, dry, untreated, unpainted wood, kindling, branches, cardboard, paper or charcoal.

WOOD - means dry, clean fuel only such as twigs, branches, limbs, “presto logs”, charcoal, cordwood, or untreated dimensional lumber. “Wood” does not include pallets, 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 campfires when cut into three-foot lengths.

SECTION 97.03 AUTHORIZED BURNING

Recreational campfires are the only type of burning authorized in the City of St. Clair.

RECREATIONAL CAMPFIRE REGULATIONS AND SAFEGUARDS

- A. Recreational campfires shall be allowed in Residential Zoning Districts only.
- B. Recreational campfires shall not be more than three (3) feet in diameter nor more than three (3) feet in height, with a flame height of no more than four (4) feet.

- C. Recreational campfires shall be located at least fifteen (15) feet from any structure and/or property line.
- D. Before a recreational campfire is lit all of the ground within five (5) feet of the base of the campfire shall be cleared of combustible materials.
- E. Only clean, dry, untreated wood, in lengths less than three (3) feet and approved starter materials shall be used in a recreational campfire.
- F. Recreational campfires shall produce minimal detectable smoke, odor or soot beyond the property line.
- G. Wind and weather conditions shall be considered prior to lighting a recreational campfire.
- H. Recreational campfires shall be attended at all times by a person 18 years of age or older who is knowledgeable in methods of extinguishing fires and who has tools for extinguishing the fire readily available.
- I. Recreational campfires shall be extinguished completely before leaving the campfire site.
- J. Every effort shall be taken to avoid creating a nuisance or a health or safety hazard while burning a recreational campfire.
- K. Recreational campfires shall be prohibited at any time when the Blue Earth County Sheriff's Department or other authority has issued a burning ban.

SECTION 97.04 BURNING PERMIT

- A. Burning permits shall be issued:
 - 1. at the sole discretion of the City Council;
 - 2. for burning of trees and brush only;
 - 3. when unique circumstances warrant issuance;
 - 4. when alternate methods of disposal cannot be used;
 - 5. when public health, safety and welfare can be maintained.
- B. All Burning Permits shall be subject to restrictions imposed by the St. Clair City Council and the St. Clair Fire Chief.
- C. The following factors, restrictions and requirements should be taken into consideration when issuing a Burning Permit:
 - 1. Permit Duration;

2. Prior Notification (911 dispatch, the Fire Chief and the City Clerk must be notified prior to the burn);
3. On-Site Requirements (the permittee must be on-site for the duration of the burn);
4. Wind Conditions (burning must be done when there is no wind or only a slight wind, etc.);
5. Traffic Hazard (the permittee must monitor the burn conditions to avoid a traffic visibility hazard caused by blowing smoke);
6. Cost (all cost associated with the burn shall be the responsibility of the property owner).

SECTION 97.05 NUISANCES FIRES

The following are considered nuisance fires and may be extinguished by the St. Clair Fire Dept. or other authority without notice:

- A. Any burning in violation of this Ordinance.
- B. A recreational campfire, which because of changes in wind, weather or other conditions, creates a risk to public health, safety or welfare.
- C. A recreational campfire which unreasonably interferes with the enjoyment of another person or the other persons property or public property.

SECTION 97.06 BURNING VIOLATIONS

The following are considered violations to this Ordinance:

- A. To cause, or knowingly allow burning, except as authorized by this Ordinance.
- B. Burning of prohibited materials.
- C. Burning in a Business or Industrial Zoning District.
- D. To allow or cause burning in a careless or negligent manner likely to endanger persons or property.
- E. To allow smoke, odor or soot from an authorized fire to disturb other people.
- F. The use of flammable or combustible liquids for starting a fire.
- G. To conduct, cause or allow burning during a burning ban put into effect by the Blue Earth County Sheriff's Department or other authority.

SECTION 97.07 EXCEPTIONS

The following exceptions apply to this Ordinance:

- A. A burn initiated by the St. Clair Fire Department for training purposes.

SECTION 97.08 PENALTY

Violations to this Chapter shall be a misdemeanor.

A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 97.09 EFFECTIVE DATE

City of St. Clair Ordinance Code, Chapter 97: Open Burning shall be in full force and effect after its passage and publication as provided by law.

ADOPTED by the City Council of the City of St. Clair, Minnesota, this 5th day of May 2004.

Brian Lynch, Mayor

ATTEST:

Catherine Seys, City Clerk-Treasurer