

ORDINANCE NO. 105

Open Burning Restrictions and Permitting Requirements 7005.0700-0820 Definitions

Subpart 1. Scope. As used in parts 7005.0700 to 7005.0820 the following words shall have the meaning defined herein.

Subpart 2. Approved waste burner. "Approved waste burner" means an incinerator or other burner constructed of fire resistant material having a capacity of not less than three bushels, a cover which is closed when in use, and maximum opening in the top or sides no greater than one inch in diameter.

Subpart 3. Building material. "Building material" means lumber, wood shakes, and other wood products but shall not include composite shingles, tar paper, insulation, wall board, wiring, or other similar smoke producing materials.

Subpart 4. Diseased shade tree. "Diseased shade tree" means any tree infected by dutch elm disease or wilt disease or any tree constituting a hazard to a disease control program established by the Department of Agriculture to Minnesota Statutes, section 18.023

Subpart 5. Disposal facility. "Disposal facility" means a facility or site permitted by the Minnesota Pollution Control Agency for the intermediate or final disposal of solid waste.

Subpart 6. Garbage. "Garbage" means discarded material resulting from the handling, processing, storage, preparation, serving, and consumption of food.

Subpart 7. Metropolitan area. "Metropolitan area" means the area included within the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Subpart 8. Open Burning. "Open burning" means the burning of any matter whereby the resultant combustion products are emitted directly to the atmosphere without passing through an adequate stack, duct, or chimney.

Subpart 9. Refuse collection service. "Refuse collection service" means a public or private operation engaged in solid waste collection and transportation.

Subpart 10. Rubbish. "Rubbish" means nonputrescible solid waste, such as paper, cardboard, yard clippings, and other natural matter not including garbage.

Subpart 11. Wetland. "Wetland" means natural marsh where water

stands near, at, or above the soil surface during a significant portion of most years.

MS s 116.07 Subpart 4

7005.0710 OPEN BURNING RESTRICTION

No person shall cause, allow, or permit open burning.

MS s 116.07 Subpart 4.

7005.0720 EXEMPTIONS.

Subpart 1. Unincorporated areas. In unincorporated areas where no refuse collection service is available, the open burning of rubbish originating from single residential premises may be conducted in approved waste burners.

Subpart 2. Cities without refuse collection service. In any city where no refuse collection service is available, the local unit of government may apply to the director for permission to allow the open burning of rubbish originating from single residential premises in approved waste burners.

Subpart 3. Availability of refuse collection service. Refuse collection service shall be deemed available as delineated in the county solid waste management plan, as adopted by the county and approved by the agency.

MS s 116.07 Subpart 4.

7005.0730 PROHIBITION OF SALVAGE OPERATIONS BY OPEN BURNING

Subpart 1. Restriction. No person shall conduct, cause or permit salvage operations by open burning.

Subpart 2. Permit required. No person shall possess, transport, or process motor vehicles or scrap metals which have been reduced by open burning or incinerations in a device or equipment which has not received an operating permit from this agency.

MS s 116.07 Subpart 4.

7005.0740 OPEN BURNING BY PERMIT

Open burning may be conducted if an open burning permit is obtained pursuant to parts 7005.0700 to 7005.0820 and the open burning is conducted in accordance with the requirements of parts 7005.0700 to 7005.0820 and the conditions of the permit.

MS s 116.07 Subpart 4.

7005.0750 PERMIT APPLICATIONS.

Subpart 1. Application. Application for open burning permits may be made in cases where fires are proposed to be set for the following purposes:

- A. bona fide instructions and training of fire fighting personnel and for the testing of fire extinguishing equipment.
- B. elimination of fire or health hazards which cannot be abated by any other practicable means;
- C. activities in accordance with accepted forest or game management;
- D. ground thawing for utility repair and construction
- E. the disposal of trees, brush, grass, and other vegetative matter in the development of land and right-of-way maintenance;
- F. the disposal of diseased shade trees;
- G. the disposal of trees and brush in areas outside the metropolitan area;
- H. activities in accordance with accepted agricultural practices;
- I. the disposal of building material generated by construction; and
- J. the disposal of building material generated by the demolition of noncommercial or noninstitutional structures.

Subpart 2. Restrictions. A burning permit shall be issued on a prescribed form to the applicant if the burning is for one of the purposes set forth in subpart 1 and the applicant agrees that all burning shall be conducted under the following circumstances:

- A. The prevailing wind at the time of the burning shall be away from nearby residences.
- B. The burning shall be conducted as far away as practical from any highway or public road and controlled so that a traffic hazard is not created.
- C. The burning may not be conducted during the duration of an air pollution alert, warning, or emergency.
- D. The recipient of the permit or his authorized representative shall be present for the duration of any fire authorized by permit.
- E. Prior notice shall be given to the local department of natural resources forest officer, local fire marshal, or local fire chief of the time and location of any fire authorized by permit.
- F. Open burning for ground thawing shall be conducted in accordance with the following additional restrictions:
 - (1) Fuels and starting materials shall be of a kind which do not generate appreciable smoke.
 - (2) Coke used for ground thawing within 500 feet of

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dwellings or occupied buildings shall contain less than one percent sulfur.

(3) Ambient air quality standards for sulfur dioxide and carbon monoxide shall not be exceeded at occupied residences other than those located on the property on which the burning is being conducted.

(4) Propane gas thawing torches or other devices causing minimal pollution shall be used when practicable.

G. Open burning of materials pursuant to subpart D. items E to J shall be conducted in accordance with the following additional restrictions:

(1) 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.

(2) Oils, rubber and other similar smoke producing materials shall not be burned or used as starting materials.

(3) The burning shall not be conducted within one mile of any airport or landing strip, unless approved by the director.

H. Open burning of materials pursuant to subpart 1. item 1 shall also only be conducted under controlled burning methods approved by the director.

I. The burning is conducted under such other reasonable conditions as the permit issuing authority impose.

MS s 116.07 subd 4

7005.0760 PERMIT ISSUERS

In addition to the agency, the following persons are authorized to accept applications and issue open burning permits:

A. a department of natural resources forest officer for locations within his jurisdictions;

B. a local department of natural resources fire warden for locations within his jurisdictions;

C. upon approval of the agency, a local pollution control agency for locations within his jurisdictions;

D. a person(s) designated by the county board of commissioners and approved by the director for locations within the county but outside the corporate limits of cities within the county;

E. upon approval of the director, either a fire chief or a person designated by a township or city for locations within the

jurisdiction of said governmental unit; and

F. a regional director of the agency or an employee of the agency authorized by the director, who may in their discretion refer the applicant to a local permit issuing authority.

MS s 116.07 subd 4

Any permit application submitted pursuant to parts 7005.0700 to 7005.0620 shall be denied if:

- A. a reasonable, practical alternative method of disposal of the material is available; or
- B. a nuisance condition would result from the burning.

MS s 116.07 subd 4

7005.0780 PERMIT REVOCATION.

Any permit is subject to revocation at the discretion of the director, a department of natural resources forest officer, the local fire marshal or fire chief, or the permit issuer, if:

- A. a reasonable practical method of disposal of the material is found;
- B. a fire hazard exists or develops during the course of the burning; or
- C. any of the conditions of the permit are violated.

MS s 16.07 subd 4

7005.0790 LIABILITY.

Exemption to conduct open burning or granting of an open burning permit under any provisions of parts 7005.0700 to 7005.0820 does not excuse a person from the consequences, damages, or injuries which may result there from.

MS s 116.07 subd 4

7005.0800 CONFLICTING LAWS.

Nothing in parts 7005.0700 to 7005.0820 shall be construed to allow open

burning in those areas in which open burning is prohibited by other laws, regulations, or ordinances.

MS s 116.07 subd 4

7005.0810 RECREATIONAL FIRES.

Fires set for recreational, ceremonial, food preparation, or social purposes are permitted provided only wood, coal, or charcoal is burned.

MS s 116.07 subd 4

7005.0820 DISEASED SHADE TREE OPEN BURNING SITES.

Subpart 1. Open burning permitted. Open burning of diseased shade trees shall be permitted provided no reasonable alternate method of disposal exists as determined by the agency, a permit is obtained pursuant to parts 7005.0700 to 7005.0820, and the open burning is conducted in accordance with the requirements of parts 7005.0700 to 7005.0820 and the conditions of the permit.

Subpart 2. Site location. The site shall be located in accordance with the following conditions or as approved by the director of air quality:

- A. not less than 1,000 feet from an occupied building;
- B. not less than 1,000 feet from a public roadway.
- C. not less than 1 mile from an airport or landing strip;
- D. not less than 300 feet from a stream; and
- E. not within wet land.

Subpart 3. Site preparation. The site shall be prepared in accordance with the following.

- A. Access to the site shall be controlled by a gate which shall be locked when an attendant is not on duty.
- B. Approach roads to the disposal site and access roads on the site shall be maintained so that they shall be passable at all specified times.
- C. A permanent sign identifying the operation indicating the hours and days the site is open for use, rates, the penalty

for nonconforming dumping, and other pertinent information shall be posted.

D. Surface water drainage shall be diverted around and away from the operating area and ash storage entrance.

Subpart 4. Site operation. The site shall be operated in accordance with the following conditions:

A. Only diseased shade trees and/or tree trimmings shall be disposed of on the site.

B. Qualified personnel for general direction and operation of the site shall be on duty at all times while the site is open for use and for the duration of any fire on the site.

C. Burning shall be conducted only when weather conditions are such that a nuisance, health, or safety hazard will not be created.

D. Prior notice shall be given to the local fire authority of the time and duration of each fire.

E. Adequate dust control shall be provided on the site and on the roads leading to the site.

F. Ash residue shall be collected on a periodic basis and disposed of in an agency-permitted sanitary landfill.

Subpart 5. Site termination. The site shall be terminated in accordance with the following:


A. All materials extraneous to the site shall be removed and disposed of in an appropriate manner.

B. The site shall be returned to a state equal to its surroundings.

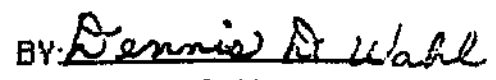
MS s 116.07 subpart 4

Dated this 7th day of December 1988.

ATTEST:


Dennis Johnson, City Clerk

CITY OF GLYNDON

BY 
Dennis Wahl, Mayor