

owner, occupant or agent of such lot or parcel of land, ordering such owner or agent to have such weeds or grass cut and removed within three days after the service thereof, and also stating that in case of non-compliance, the same will be done by the City weed inspector at the owner's expense. Any repeat violations shall not require a new notice during the growing season.

**710.04**            **Costs Assessed.**    Upon failure of the owner, occupant or agent to comply with the provisions of said notice, and after the expiration of three days, the City weed inspector shall proceed to cut and remove such weeds or grass, and determine the cost thereof and charge such to the owner of the premises. Not later than the first day of October of each year, the City Clerk shall certify to the County Auditor, the amount so charged against said premises, lots or parcels of land, together with a description of the premises and the name of the supposed owner, and such charge shall be collected and collection enforced in the same manner as taxes against said premises. Such charge shall be a perpetual lien on said premises until paid; provided, further, that where no owner, occupant or agent can be found, or when unknown, then said Inspector may proceed without the personal service of said notice.

## **SECTION 715 - OPEN BURNING**

**715.01**            **Purpose.**    The purpose of this section is to establish permitted categories of open burning events within the City of Circle Pines and provide for a permitting process for open burning, except when such open burning is defined as a Recreational Fire as defined in this section.

**715.02**            **Definitions and Regulations.**    For the purpose of this Section, the terms in this Section are defined as follows:

**Subd. 1 Definitions.**

A.    Open Burning.    "Open Burning" means 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 gas devices are not included in the definition of open burning.

B. Combustible. "Combustible" means a substance or material that is able or likely to catch fire and burn.

C. Recreational Fire. "Recreational Fire" means an outdoor fire set with approved starting fuel on a recreational fire site to burn wood and has a total fuel area of three (3) feet or less in diameter and three (3) feet or less in height. Mobile cooking devices such as manufactured hibachis, charcoal grills, wood smokers, and propane gas devices are not recreational fires.

D. Wood. "Wood" means dry, clean fuel only such as twigs, branches, limbs, synthetic logs designed for burning, charcoal, cord wood, or untreated dimensional lumber. "Wood" does not include wood that is green, with leaves or needles, rotten, wet, oil-soaked or treated with paint, glue, or preservatives.

E. Responsible Person. A "Responsible Person" means a person over the age of 18 who is knowledgeable in use of fire extinguishing equipment, including shovels, garden hoses, or fire extinguishers with a minimum 4-A rating.

F. Recreational Fire Site. A "Recreational Fire Site" means an area of no more than a three (3) foot diameter circle, measured from the inside of the fire ring or border, completely surrounded by non-combustible and non-smoke or odor producing material either of natural rock, cement, brick, tile or blocks or ferrous metal only and which area is depressed below ground, on the ground, or on a raised bed. Included are permanent outdoor woodburning fireplaces. Burning barrels are not a Recreational Fire Site as defined herein.

G. Starter Fuels. "Starter Fuels" means dry, untreated and unpainted kindling, branches, or

cardboard, or charcoal fire starter. Starter fuels also include paraffin candles and alcohols, and 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.

H. Fire Chief, Fire Marshal and Assistant Fire Marshals. The Fire Chief, Fire Marshal and Assistant Fire Marshals of the Centennial Fire District, who have been appointed as fire wardens by the Commissioner of Natural Resources for Minnesota.

**Subd. 2 Regulations.** Every person starting, engaging in, conducting or hosting a recreational fire shall observe and comply to the following regulations:

A. Recreational Fires. Recreational Fires shall only be conducted between the hours of 4:00 p.m. and 1:00 a.m.

B. Attendance. Recreational fires shall be constantly attended by a responsible person until completely extinguished.

C. Fire Extinguishing Equipment. Buckets, shovels, garden hoses or a fire extinguisher with a minimum of 4-A rating shall be readily available for use at recreational fires.

D. Location. Recreational fires shall only be on private property and shall not be conducted within twenty-five (25) feet of a structure or a combustible material.

E. Weather Conditions. Recreational fires shall not be conducted if prevailing wind conditions exceed ten (10) miles per hour.

F. Flames. Flames from a recreational fire shall not exceed three (3) feet in height as measured from the base of the fire.

G. Prohibitions. When prohibited by action of any state or federal agency, recreational fires shall not be permitted.

**Subd. 3 Discontinuance.** The fire chief, police chief or any authorized member of the fire department or officer of the police department may order the immediate extinguishment or may themselves immediately extinguish any recreational fire which falls into any one of the following categories:

- A. Creates a hazardous or unsafe condition.
- B. Creates a nuisance or reasonably objectionable situation for any nearby resident.
- C. Violates any provisions of this section or of any other chapters of the Circle Pines City Code.
- D. Violates any provision of the Minnesota State Fire Code.

**715.03 Prohibited Materials.** No person shall conduct, cause or permit any of the following materials to be used in recreational fires or for open burning:

- A. Oils, petrol 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. Hazardous waste or salvage operations, or 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 or commercial or institutional structures.
- C. Discarded material resulting from the handling, processing, storage, preparation, serving or consumption of food.
- D. Leaves or grass clippings.

**715.04 Statute Adopted by Reference.** Minnesota Statutes Sections 88.16 through 88.22 are hereby incorporated by reference in this Section 715 as if fully set forth herein. In the event of any inconsistency between this Section 715 and said sections of Minnesota Statutes, the provision that places the greater restriction or the higher standard shall apply.

**715.05 Open Burning Permits.**

Subd. 1 Permits Required. No person shall start or allow any open burning anywhere within the City without first having obtained a permit, except that a permit is not required or any fire which is a Recreational Fire as defined herein.

Subd. 2 Purposes Allowed for Open Burning. Open burn permits may be issued only for the following purposes:

- (a) Elimination of fire or health hazard that cannot be abated by other practical means.
- (b) Ground thawing for utility repair and construction.
- (c) Disposal of vegetative matter for managing forest, prairie or wildlife habitat, and in the development and maintenance of land and rights-of-way where chipping, composting, landspreading or other alternative methods are not practical.
- (d) Disposal of diseased trees generated on site, diseased or infected nursery stock, or diseased bee hives.
- (e) Disposal of unpainted, untreated, non-glued lumber and wood shakes generated from construction, where recycling, reuse, removal or other alternative disposal methods are not practical.

Subd. 3 Permit Application for Open Burning and Permit Fees.

(a) Open Burning permits shall be obtained by making application on a form prescribed by the Department of Natural Resources (DNR) and adopted by the Centennial Fire District. The permit application shall be presented to the Fire Chief, Fire Marshal or an Assistant Fire Marshal. Each application shall be accompanied by a fee as set from time to time in Section 350 of this Code.

(b) Upon receipt of the completed Open Burning permit application and permit fee, the Fire Chief, Fire Marshal or Assistant Fire Marshal shall schedule a preliminary site inspection to locate the proposed burn site, note special conditions, set dates and times of permitted burn and review fire safety considerations. The official reviewing the application shall also develop a burn event safety plan for the requested burn.

(c) If established criteria for the issuance of an open burning permit are not met, or, during review of said application, it is determined that a practical alternative method for disposal of the material exists, or a pollution or nuisance condition would result, or if a burn event safety plan cannot be drafted to the satisfaction of the official reviewing the application, the official may deny the application for the open burn permit.

Subd. 4 Notice of Burn Event. If the permit application is approved, the City shall mail a written notice to each owner of affected property and property situated wholly or partly within 350 feet of the site of the Open Burn. The notice shall set forth pertinent details regarding the Open Burn, and shall be mailed at least ten (10) days prior to the Open Burn.

Subd. 5 Permit Holder Responsibilities.

(a) Prior to starting an Open Burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every Open Burn event shall be constantly attended by the permit holder. The Open Burn

site shall have available, appropriate communication and fire suppression equipment as set out in the burn event safety plan.

(b) The Open Burn shall be completely extinguished before the permit holder leaves the site. No fire may be allowed to smolder with no flame present. It is the responsibility of the permit holder to have a valid permit, as required by this section, available for inspection on the site.

(c) The permit holder is responsible for the compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs incurred as a result of the burn, including, but not limited to, fire suppression and administrative fees.

Subd. 6 Revocation of Open Burning Permit. The Open Burning Permit is subject To revocation at the discretion of a DNR forest officer, or the Fire Chief, Fire Marshal or Assistant, Fire Marshal. Reasons for revocation include, but are not limited to: A fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present.

**715.06 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.

**715.07 Violation.** Any violation of the provisions of this section 715, or of the terms of any permit issued pursuant to this section, shall be a misdemeanor. Each day a violation exists shall be a separate violation.