

ORDINANCE NO. 13

AN ORDINANCE REGULATING AND CONTROLLING THE SETTING, LIGHTING, OR STARTING OF FIRES WITHIN THE TOWN OF WHITE BEAR

**THE TOWN BOARD OF SUPERVISORS OF THE TOWN OF WHITE BEAR
ORDAINS:**

SECTION 1. Ordinance No. 13 of the Town of White Bear, Minnesota, is hereby amended to be as follows:

SECTION 2. ADOPTION BY REFERENCE OF THE MINNESOTA CODE OF AGENCY RULES, RULES OF THE MINNESOTA POLLUTION CONTROL AGENCY CHAPTER EIGHT, OPEN BURNING. There is hereby adopted by the Town Board of Supervisors of the Town of White Bear for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion those certain rules known as the Minnesota Code of Agency Rules, Rules of the Minnesota Pollution Control Agency, Chapter Eight (8), Open Burning, save and except such portions as are hereinafter deleted, modified or amended, of which Rules not less than three (3) copies have been and now are filed in the office of the Town Clerk and the same are hereby adopted and incorporated as fully as if set forth herein.

SECTION 3. It is hereby determined, pursuant to Minnesota Pollution Control Agency regulations, that the Town of White Bear does not have available an adequate and effective solid waste and refuse collection service by means of private haulers.

SECTION 4. OUTSIDE BURNING PROHIBITED. No person shall burn grasslands, marshes, meadows, leaves, trees, brush, wood, paper, garbage, refuse or waste outside at any time under any circumstances except as hereinafter provided.

SECTION 5. EXCEPTIONS. Exceptions herefrom may be allowed upon application and approval by the Department of Natural Resources and or the Town Fire Chief. Exemption to conduct open burning under the provisions of this Ordinance does not excuse a person from the consequences, damages or injuries which may result therefrom. The following are exceptions for which application may be made:

5-1. Fire purposely set for the instruction and training of public and industrial firefighting personnel.

5-2. Fires for the elimination of a fire hazard which cannot be abated by any other practicable means.

5-3. The burning of trees, brush, grass and other vegetable matter in the clearing of land and right-of-way maintenance operations is permitted under the following conditions:

5-3.a. The prevailing winds at the time of burning must be away from any city or town.

5-3.b. The location of burning must not be within 1,000 feet of an occupied residence other than those located on the property on which the burning is conducted.

5-3.c. Oils, rubber or other similar materials which produce unreasonable amount of air contaminants may not be burned.

5-3.d. The burning must be controlled so that a traffic hazard is not created.

5-3.e. The burning must not be conducted within one mile of any military, commercial, county or municipal airport and in any event must be controlled so that an air hazard is not created.

5-3.f. Open burning performed by White Bear Township at its Hammond Road and Benson Airport burn sites are exempt from separation requirements, as identified in Section 5-3.b above.

SECTION 6. OUTDOOR COOKING AND GROUND THAWING FIRES.

Charcoal and gas grill outdoor cooking fire shall be permitted. Coke fires to thaw frozen ground to install or repair streets and utilities shall be permitted after permits are applied for and issued by the Town Fire Chief.

SECTION 7. RECREATIONAL FIRES – REGULATIONS.

7-1. Open fires for recreational purposes will be allowed in the Township without the need to acquire a permit.

7-2. The Town Fire Marshall or designee may perform periodic on-site inspections.

7-3. Open fire for recreational purposes must satisfy the following requirements:

7-3.1. Size: The fire may not exceed two (2) feet in diameter or three (3) feet in height.

7-3.2. Setbacks: The fire must be located at least 15 feet from the nearest structure and at least 25 feet from the nearest motor vehicle.

7-3.3. Burning Area: The fire must be placed in a fire pit which shall be 6 inches deep and at least 3 feet in diameter, or in a non-combustible fire ring six (6) inches in height and at least three (3) feet in diameter.

7-3.4. Material: Clean wood only may be used for an open fire for recreational purposes:

7-3.4(1). No yard waste (brush smaller than one inch in diameter, leaves, grass clippings);

7-3.4(2). No refuse, rubbish, paper;

7-3.4(3). No oil, rubber or similar smoke producing material.

7-3.5. Curfew: Open fires for recreational purposes may not be conducted between midnight and 6:00 a.m.

7-3.6. Supervision: Fire must be constantly attended by individuals over 18 years of age until extinguished.

7-3.7. Approval: No person shall kindle a fire upon the land of another without first obtaining written permission.

7-3.8. Control: A means of controlling the fire (such as a hose or bucket of water) must be available at the site at the time of the fire.

7-3.9. Smoke: A recreational fire shall be extinguished immediately if it generates smoke that becomes a nuisance to adjacent or nearby properties, including imposition of smoke into a neighboring structure.

SECTION 8. REPEAL. All former Ordinances or parts thereof conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

SECTION 9. PENALTIES. Every person convicted of a violation of any provision of this Ordinance shall be punished as provided by Ordinance No. 26 (Maximum Fines).

SECTION 10. SEVERABILITY. Should any section, subdivision, clause or other provision of this Ordinance be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the Ordinance as a whole or of any part hereof, other than the part held to be invalid.

SECTION 11. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its passage and publication.

Passed by the Town Board of Supervisors of White Bear Town this 18th day of April, 1960.

APPROVED:

THEO. J. BLAIR, Chairman

ATTEST:

F. PAUL WRIGHT, Town Clerk

Board of Supervisors:
THEO. J. BLAIR, Chairman
KENNETH A. KUMM, Supervisor
GEORGE M. HOVEY, Supervisor

Published in the White Bear Press on April 21, 1960.

Historical Notes

2004

Section 7-3.9, passed June 7, 2004, and effective June 16, 2004 by Weisenburger (Chair); Sand, Mample; Short (Clerk-Treasurer).

1998

Sections 5, 6, 7, 8, 9, 10, and 11, passed March 2, 1998, and effective March 11, 1998 by Weisenburger (Chair); Sand, Ford; Short (Clerk-Treasurer).

1985

Section 8, passed December 2, 1985, and effective December 11, 1985 by Jungkunz (Chair); Weisenburger, Hamilton; Malinen (Clerk-Treasurer).

1983

Sections 1, 2, 3, 4, 5, 6, 7, 8, 9, and 10, passed February 28, 1983, and effective March 9, 1983 by Sand (Chair); Jungkunz, Weisenburger; Webber (Clerk-Treasurer).

1976

Section 5, passed June 14, 1976, and effective June 24, 1976 by Perron (Chair); Sand, Ransom; Rolph (Clerk-Treasurer).

1970

Sections 1, 2, 3, 4, 5, 6, 7, and 8, passed September 8, 1970, and effective September 16, 1970 by Rooney (Chair); Malloy, Perron; Rolph (Clerk-Treasurer).

1969

Sections 1, 2, 3, 4, 5, 6, 7, and 8, passed May 5, 1969, and effective May 14, 1969 by Rooney (Chair); Malloy, Perron; Hovey (Clerk-Treasurer).

1960

Sections 1, 2, 3, 4, 5, 6, and 7, originally passed April 18, 1960, and effective April 21, 1960 by Blair (Chair); Kumm and Hovey; Wright (Clerk-Treasurer).