

**AMENDMENT TO:  
ORDINANCE 82: FIRE AND BURNING RESTRICTIONS**

The Town Board of the Town of LeSauk HEREBY ORDAINS that Ordinance 82-2 is hereby repealed and the following enacted in its place:

ORDINANCE 2001- 1  
FIRE AND BURNING RESTRICTIONS

Section 1: PURPOSE. The Town Board has made a determination that unregulated burning within the Town has an adverse effect upon the health, comfort, repose and property of the residents of the Town, specifically finding:

- a) Increases the risk of destruction of personal property and structures.
- b) Increases the pollution of the air and affects the health of residents, primarily those suffering from asthma and other respiratory ailments.
- c) Causes annoyance by smoke drifting onto adjacent properties.
- d) Increases the potential for injury by creating a nuisance attractive to children.
- e) Causes soot and odor to adjacent property.

Therefore, the Town Board has enacted this Ordinance restricting the ignition and maintenance of fires, and other burning as may occur within the Town of LeSauk.

Section 2: DEFINITIONS. As used herein, the following terms shall be defined in the following manner:

Subd 1: "Person" - Means any natural person acting either personally or in any representative capacity, corporation, firm, co-partnership, or an association of any nature or kind.

Subd. 2: "Timber" - means and includes trees, saplings, bushes, seedlings, and sprouts from which trees may grow, of every size, nature, kind and description.

Subd. 3: "Forest Products" - means and includes all products derived from timber.

Subd. 4: "Owner" - includes a person owning the fee title to any real property, or the person occupying real property pursuant to a leasehold interest therein.

Subd. 5: "Open Fire" or "Open Burning" - means a fire which is not contained within a fully enclosed fire box or structure from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.

Subd. 6: "Campfire" - means a fire ignited for cooking, warming or ceremonial purposes, which is not more than 3 feet in diameter by 3 feet high, and which has had the ground 5 feet from the base of the fire cleared of all combustible material.

Subd. 7: "Snow-covered" -means that the ground has a continuous, unbroken cover of snow, to a depth of three inches or more, surrounding the immediate area of the fire sufficient to keep the fire from spreading.

Section 3: PROHIBITION OF FIRES. All fires within the Town of LeSauk are prohibited, except for the following:

Subd. 1: Campfires.

Subd. 2: A fire contained in a charcoal grill, camp stove or other device designed for the purpose of cooking or heating.

Subd. 3: A fire contained within a building or structure ignited for the purpose of providing heat to the interior of the structure or to be used in the preparation of food.

Subd. 4: Fires ignited for purposes of fire training as therein defined by Minn. Stat. § 88.17 subd. 3(a), pursuant to special permit granted by the local fire warden or other authorized state, county or local authority.

Subd. 5: A fire started pursuant to a permit to burn vegetative materials and other materials allowed by Minnesota Statutes or official state rules and regulations. The permit shall be written and signed by a forest officer, fire warden or Town fire warden, setting the time of the fire, conditions of burning and the materials to be burned. The permittee shall have the permit on their person at all times and shall produce the permit when requested by a forest officer, fire warden, conservation officer or peace officer. The fire may not have a base diameter greater than 15 feet. Burning must occur between the hours of 3:00 p.m. and 3:00 a.m.

Subd. 6: The burning of dried leaves between September 15 and December 1, is permitted subject to the following conditions:

- a) The burning shall occur between the hours of 3:00 p.m. and 3:00 a.m.
- b) The burning shall not occur within 30 feet of any building or structure;
- c) The smoke from the fire shall not be blowing toward a structure used as a dwelling which is within 300 feet of the fire.

Subd. 7: A fire when the ground is snow covered. The fire may not have a base diameter greater than 15 feet. Burning must occur between the hours of 3:00 p.m. and 3:00 a.m.

Section 4: PROHIBITED MATERIALS. Burning of the following materials shall be strictly prohibited:

Subd. 1: Motor oil, rubber, plastics, chemically treated materials or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tarp paper, insulation, composition board, sheetrock, wiring, paint or paint filters.

Subd. 2: Hazardous waste as defined in Section 116.06 Subd. 11 of the Minnesota Statutes and applicable Commissioner's Rules.

Subd. 3: Solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

Subd. 4: Building material generated from demolition of commercial or institutional structures. A farm building is not a commercial structure.

Subd. 5: Salvage operations by open burning.

Subd. 6: the processing of motor vehicles by open burning.

Subd. 7: Discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food, unless specifically allowed under Minn. Stat. Sec. 17.135.

Section 5: PROHIBITION OF ALL BURNING. No burning may occur during any time when a burning ban is declared by any state, county, or local authority due to an air pollution alert or a fire danger.

Section 6: GENERAL REGULATIONS REGARDING PERMITTED FIRES.

Subd. 1: No person shall ignite or maintain a fire upon the land of another without the permission of the owner thereof or his agent.

Subd. 2: No person shall ignite or maintain a fire on publicly owned or controlled property except in areas designated for the maintenance of campfires by the public authority governing the property.

Subd. 3: Any authorized fire shall be attended by a competent person, at least 18 years of age, until such fire is extinguished.

Section 103:07: CRIMINAL PENALTIES. Violations of any of the provisions of this Ordinance shall be deemed a petty misdemeanor, except the violation of Section 4, Subd. 1, 2 or 3, shall be deemed a misdemeanor. Any person who ignites or maintains a prohibited fire may be liable under this ordinance. Any person who owns or controls property and knowingly permits a prohibited fire to be ignited or maintained on his or her property shall also be liable as if that person had actually ignited the fire.

Section 8: CIVIL PENALTIES: In addition to the criminal penalties provided herein, any person who violates any provision of this ordinance shall be liable for any costs or expenses incurred by any public fire department or the Town of LeSauk because of fires in violation of this Ordinance. The Town of LeSauk may assess costs or expenses against the real property at which the violation occurred if the costs and expenses are not paid within 30 days of invoice by the Town

This Ordinance shall be effective upon its adoption and publication. This Ordinance was adopted by the LeSauk Town Board the 18th day of April, 2001.

Summary publication of this Ordinance is permitted.

Ronald Haber

Town Chair

ATTEST:

Marlyce K. Plante

Town Clerk

Published in the *St. Cloud Daily Times* the 24<sup>th</sup> day of April, 2001.

Marlyce K. Plante

Town Clerk

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