

SECTION 2

1302.000. BURNING OF TRASH, REFUSE, RUBBISH, AND OTHER COMBUSTIBLE MATERIALS REGULATIONS.

1302.001. DEFINITIONS. Whenever the following words are used in this Ordinance they shall mean:

- A. "Open Fire" shall mean any fire from which the products of combustion are emitted directly into the open atmosphere without passing through an adequate stack, duct or chimney in accordance with Minnesota Pollution Control Agency Regulation 368.2, as amended.
- B. "Person" shall mean any individual, natural person, firm, association, organization, partnership, business, trust, corporation, company, trustee, syndicate, club, institution, agency, or any Federal, State, or local governmental agency or instrumentality or other entity recognized by law as the subject of rights and duties; the masculine, feminine, singular or plural is included; and whenever acts prohibited here are done or acts required herein are omitted by any one as employee or agent of another person shall include employers, supervisory personnel and principals.
- C. "Refuse and Trash" shall include any combustible waste material, trade waste, garbage, paper, leaves or other similar such substance as may be defined as refuse in the Minnesota Pollution Control Agency Solid Waste Regulation, SW1 (T2), and all other waste materials which, if burned, would produce or emit air contaminants into the atmosphere, whether odorous or otherwise.

1302.002. OPEN FIRE REFUSE BURNING PROHIBITED. No person shall cause, or allow the open burning of any sweeping, trash, lumber, leaves, straw, paper, grass, refuse, or other combustible materials.

1302.003. TRASH BURNING REGULATED. No person shall allow or cause any burning of materials described in Section 701.001. without filing an approved burning permit from the MPCA with the city.

1302.004. FIREPLACES AND RECREATIONAL FIRES.

- A. **INDOOR FIRES.** Indoor fires may be used for cooking, warmth or recreational purposes without permit, provided, however, that such fires shall not be used for purposes of refuse disposal and shall not violate any other Ordinance of the City of Winsted.
- B. **SITE REQUIREMENTS.**
 - 1. Outdoor fire sites must be at least twenty-five (25) feet away from any structure.
 - 2. Outdoor fire sites include permanent outdoor wood-burning fireplaces, manufactured fireplaces, and any similar wood-burning devices. The fire must be contained within an area:

- a. no more than three (3) feet in diameter (measured from the inside of the ring or border);
 - b. completely surrounded by noncombustible and nonsmoke- or odor-producing material (either natural rock, cement brick, tile, or metal).
- 3. A garden hose connected to an unlimited water source (for fire extinguishment purposes) shall be available at all times.
 - 4. Manufactured outdoor fireplace devices may be placed upon the premises as long as a permit is obtained for same, and the permittee follows the manufacturer's recommendations for use of same.

C. **REQUIRED CONDITIONS FOR A RECREATIONAL FIRE.**

- 1. The prevailing winds at the time of the burning must be away from nearby residences.
- 2. No flammable or combustible liquid shall be used.
- 3. Leaves, trash or garbage shall not be burned or used as starting materials.
- 4. Only wood shall be used in outdoor recreational fires. Any wood used shall be clean and produce little detectable smoke or odor.
- 5. Flames from the fire shall not exceed three feet above the fire pit.
- 6. The fire must be fully extinguished when unattended.
- 7. The Fire Chief or its designee is authorized to require that recreational fires be immediately discontinued if smoke emissions are offensive to occupants of surrounding properties or if the Fire Chief or its designee determines that the fire constitutes a hazardous condition.
- 8. The permit is valid for as long the permittee occupies the premises to which the permit applies, and as long as said permittee is not otherwise in violation of this Ordinance or other Ordinances of the City of Winsted.
- 9. Outdoor fires are not allowed when the DNR (Minnesota Department of Natural Resources) has declared a burning ban or air quality alert.

1302.005. OFFICIAL FIRES. Open fires may be set in performance of an official duty by a public officer if the fire is necessary for one or more of the following reasons or purposes:

- A. For the prevention of a fire hazard which cannot be abated by other means;
- B. For the instruction of public firefighters or industrial employees under the supervision of the Fire Chief;
- C. For the protection of public health or welfare;
- D. Disposal of dangerous materials if no alternate means of disposal is reasonably available. Such fires may be set by such officers upon their own initiative, if required as part of their official duties, or upon application of interested parties.

1302.006. PENALTY. Any violation of the provisions of this Ordinance is a misdemeanor, and shall be punishable by a fine of not to exceed \$1,000.00, or by imprisonment for a period of not to exceed 90 days; but such imprisonment shall not be imposed for a first offense unless any fine imposed therefore is not paid as ordered.

(Ord. 20-06, 7/21/20)