

ORDINANCE NO. 145  
AN ORDINANCE REGULATING OPEN BURNING  
AND RECREATIONAL FIRES

The Council of the City of Babbitt ordains, as follows:

Section 1 - Purpose:

The purpose of this ordinance is to promote the general health, welfare, and safety by regulating open burning within the City of Babbitt.

Section 2 - Open Burning Prohibited:

Except as otherwise permitted by this ordinance, all open burning is prohibited in the City of Babbitt.

Section 3 - Definitions:

For the purpose of this ordinance the following definitions shall apply.

- A. "Open Fire" or "Open Burning" means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle, and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct, or chimney.
- B. "Person" includes any natural person acting either personally or in any representative capacity, a corporation, a firm, a co-partnership, or an association of any nature or kind.
- C. "Starter Fuels" mean dry, untreated, unpainted wood or charcoal fire starter. Paraffin candles and alcohols 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 fire.
- D. "Wood" means dry, clean fuel only such as twigs, branches, limbs, "presto logs", charcoal, cord wood or untreated dimensional lumber. "Wood" does not include wood that is green, leaves or needles, rotten, wet, oil soaked or treated with paint, glue or preservatives. Clean pallets may be used for recreation fires when cut into three foot lengths.
- E. "Recreational fire" means a fire set for cooking, warming or ceremonial

purposes which is not more than three feet (3) in diameter by three feet (3) high, and has had the ground five feet (5) from the base of the fire cleared of all combustible material.

- F. "Burning Permit" is a permit issued by the Fire Warden or designee authorizing fires exempted from the general provisions hereof and setting conditions therefor.
- G. "Burner" means a firebox, barrel or similar container used for outdoor fire, but not including grills or barbecues used primarily for cooking food.

#### Section 4 - Exemptions:

The following types of open burning shall be exempt from the provisions of Section 2.

- A. Recreational fires subject to the conditions of Section 7.
- B. Fires purposely set under the supervision of the Babbitt Fire Department for the instruction and training of fire fighting personnel.
- C. Fires for which a burning permit has been obtained.

#### Section 5 - Burning Ban:

No recreational fire or open burn will be permitted when the City or the Minnesota Department of Natural Resources has officially declared a burning ban due to potential hazardous fire conditions.

#### Section 6 - Use of Burners Prohibited:

No person shall use a burner within the City of Babbitt.

#### Section 7 - Recreational Burning:

Recreational fires shall comply with the following:

- A. Burning shall occur between 9:00 a.m. and 12:00 midnight. A burning permit is not needed. Burning is subject to the provisions of Section 5.

- B. The fire shall not exceed three feet (3) in diameter and a flame height of approximately three feet (3).
- C. Only clean wood or charcoal may be burned. No burning of trash, leaves, or brush is allowed.
- D. The fire is ignited with an approved starter fluid.
- E. The fire is constantly attended by a person knowledgeable in the use of fire-extinguishing equipment and an attendant supervises the fire until the fire has been totally extinguished.
- F. Fire-extinguishing equipment, such as buckets, shovels, or garden hoses are readily available.
- G. Fire is not conducted within twenty-five feet (25) of a structure or combustible material.
- H. Any conditions that could cause a fire to spread to or within twenty-five feet (25) of a structure shall be removed or eliminated prior to ignition.
- I. Outdoor barbecue pits shall be constructed of concrete or approved noncombustible materials and shall not be located within twenty-five feet (25) of combustible walls, roofs or other combustible material.
- J. Building permits are not required in order to erect an outdoor fire or barbecue pit.

#### Section 8 - Severability:

If any sections, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance.

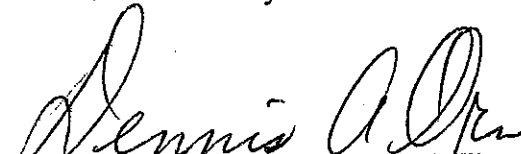
#### Section 9 - Penalty:

Any person violating any provision of this ordinance is guilty of a misdemeanor and upon conviction shall be punished by a fine and/or imprisonment in accordance with law.


Section 10 - Passage:

The foregoing ordinance, offered by Hunter, and upon his motion, supported by Boffa, was declared adopted this 15th day of September, 1997 by the following roll call vote:

Ayes: Councilor Boffa, Hunter and Maddern and Mayor Orn.  
Nays: None.  
Absent: Councilor Buck

  
Dennis A. Orn, Mayor

Attest:

  
Elaine Postudensek, CMC  
City Clerk-Treasurer