**ORDINANCE NO. 94**

**AN ORDINANCE FOR REGULATING**

**OPEN BURNING WITHIN THE CITY OF UNDERWOOD, MINNESOTA**

**THE CITY OF UNDERWOOD ORDAINS:**

**SECTION I**

 Open burning is not allowed within city limits at any time with the following exceptions:

1. Recreational Fire Definition: An outdoor fire, burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

1. Recreational fire must be at least 25 feet from all buildings or combustible materials. Combustible materials are things such as wood, paper, and plastics [MSFC Section 307.4.2].

2. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition [MSFC Section 307.4.2].

3. Recreational fires shall not be located within 10 feet from LP-Gas containers that are filled on site by the LP-Gas company [NFPA 58 Section 6.4.4.4].

4. Recreational fires must be constantly attended until the fire is extinguished [MSFC Section 307.5].

5. A minimum of one portable fire extinguisher complying with MSFC Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment shall be readily available at all times until the fire is extinguished. Examples of other approved fire extinguishing equipment would be a charged garden hose, dirt, or sand (and a means of applying it) [MSFC Section 307.5].

6. The only materials permitted in a recreational fire are wood from trees, small branches, brush, or charcoal. Treated lumber materials, construction debris, garbage, plastic materials, or waste materials are not allowed to be burned in recreational fires [MN Statute 88.171].

7. Recreational fires must be immediately extinguished if they pose a fire safety risk, if they are not in compliance with the above, or when directed to do so by the fire code official [MSFC Section 307.3].

1. Portable Outdoor Fireplaces Definition: A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
2. Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer’s instructions and shall not be operated within 15 feet of a structure or combustible material.
3. Attendance. Open burning, bonfires, recreational fires, and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site-fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

**SECTION II**

 Extinguishment Authority. When open burning, a recreational fire or a portable outdoor fireplace that creates or adds to a hazardous situation, or a required permit has not been obtained, the fire code official is authorized to order extinguishment.

**SECTION III**

Penalties: Any person violating any portion of this ordinance shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not more than $500.00 or imprisoned for not more than 90 days, or both. Unpaid fees for fire services can and will be assessed to property owners’ property taxes.

**SECTION IV**

Repeal: Ordinance #43 passed September 8, 1987 is hereby repealed.

**SECTION V**

 Effective Date: This ordinance shall be in full force and be effective from and after its passage and title and summary publication according to law.

Passed by the Underwood City Council this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ ATTEST: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Anna Kiser City Clerk Judy Everett

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