



CITY OF WILLMAR, MINNESOTA
REQUEST FOR COMMITTEE ACTION

Agenda Item Number: _____
Meeting Date: July 1, 2014
Attachments: X Yes No

CITY COUNCIL ACTION

Date: July 8, 2014

- Approved Denied
 Amended Tabled
 Other

Originating Department: Fire

Agenda Item: Issuance of burn permits within city limits

Recommended Action: Receive for information

Background/Summary: The authority to issue burning permits on behalf of the Department of Natural Resources (DNR) is designated to the Fire Marshal. As of May 15th the Fire Marshal has determined it was in the best interest of the city to stop issuing burn permits within the city limits due to the numerous complaints from citizens. The most common complaint was adjacent property owners were unable to have their windows open due to the excessive smoke.

This will also encourage members of the community to bring their brush to the cities brush site with the expectation it will also minimize burning complaints in the fall when homeowners tend to burn leaves during the fall.

Alternatives: Burning permits could be issued during the winter months when there is 3" of snow or more surrounding the immediate area of the fire, sufficient to keep the fire from spreading.

Financial Considerations: N/A

Preparer: Fire Chief Gary Hendrickson

Signature: 

Comments:

RECREATIONAL FIRES:

This fire safety information sheet is based on the 2007 Minnesota State Fire Code (MSFC). The requirements outlined in this information sheet apply only to recreational fires that are no larger than 3 feet in diameter and 2 feet in height used for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. Any fire larger than these dimensions is considered "open burning" and regulated by the Minnesota Department of Natural Resources (DNR). For further information on the requirements for open burning or for permits please contact the DNR at 651-296-6157 or info@dnr.state.mn.us.

SECTION 1 – RECREATIONAL FIRES

1.1 Minimum requirements for recreational fires

The 2007 MSFC establishes the minimum requirements for recreational fires that are applicable throughout the state of Minnesota. The following information is applicable even if a local jurisdiction does not have an ordinance regulating recreational fires.

- (1) Recreational fires must be at least 25 feet from all buildings or combustible materials. Combustible materials are things such as wood, paper, and plastics [MSFC (07) 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 (07) Section 307.4.2].
- (3) Recreational fires must be constantly attended until the fire burns out completely or is extinguished [MSFC (07) Section 307.5].
- (4) A minimum of one portable fire extinguisher complying with MSFC (07) Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, or garden hose 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 (07) Section 307.5].
- (5) The only materials permitted in a recreational fire are wood from trees and small branches (no freshly-cut branches containing green vegetation). Treated lumber materials, construction debris, garbage, plastic materials, or waste materials are not allowed to be burned in recreational fires [MN Statute 88.171].
- (6) 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 a police officer, firefighter, fire warden, or DNR officer [MSFC (07) Section 307.3].

The MSFC (07) does not contain any regulations for immediate extinguishment if the smoke from a recreational fire is a nuisance to an adjoining property. However, many cities have language within their ordinance that requires the fire to be extinguished if someone complains about the smoke. Furthermore, some local ordinances have limitations on recreational fires when wind speeds exceed a specified amount (15 mph, 20 mph, etc.). For more information please consult with your local city or fire official.

1.2 Local ordinances

Many cities choose to adopt ordinances that are more stringent than the information listed in section 1.1. For this reason, it is important to check with your city before you have a recreational fire since they may have an ordinance that goes above and beyond the requirements of the MSFC. Compliance with the above information may not mean you are in compliance with all local regulations.

If you have additional questions not answered in this document please contact the State Fire Marshal Division at (651) 201-7200. Questions can also be e-mailed to firecode@state.mn.us or view our web page at www.fire.state.mn.us for the latest information on fire in Minnesota.

OPEN BURNING

When do I need an open burning permit?

You need an open burning permit when:

- you want to start an outdoor fire other than those listed in the exceptions below.
- you have a fire in an approved burner between 8:00 a.m. and 6:00 p.m.

When is a permit not needed?

A permit is not needed:

- for a "campfire" — a fire set for cooking, warming, or ceremonial purposes, which is not more than 3 feet in diameter by 3 feet high, and has had the ground 5 feet from the base of the fire cleared of all combustible material.
- when the ground is snow-covered — by definition, when there is a continuous unbroken cover of snow 3 inches deep or more surrounding the immediate area of the fire, sufficient to keep the fire from spreading.
- for a fire contained in a charcoal grill, camp stove, or other device designed for cooking or heating.
- for a fire in an approved burner **[PDF]**, and there is no combustible material within 5 feet of the base of the burner, and it is in use between the hours of 6:00 p.m. and 8:00 a.m.

What can I burn with a permit or in an approved burner?

- You may burn vegetative material, such as grass, leaves, brush, and untreated lumber.

What materials cannot be burned?

You may not burn:

- hazardous wastes
- industrial solid waste
- demolition debris of commercial or institutional structures (farm buildings are not considered commercial structures)
- salvage operations
- motor vehicles
- oils
- rubber
- plastics
- chemically treated materials
- other materials which produce excessive or noxious smoke, such as tires, railroad ties, chemically treated lumber, composite board, drywall, wiring, paint, or paint filters
- garbage, defined as discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food.

What if I want to burn a structure?

If you'd like to burn a structure, contact a forest officer.

Where do I get a permit?

You may obtain a permit in three ways:

1. Contact your local DNR Forestry Office.
2. Contact a Fire Warden. Fire wardens are volunteers commissioned by a DNR forest officer to issue open burning permits.
3. Purchase a burning permit online. There is a \$5 charge per calendar year for this service.

What are burning permit restrictions?

- Burning permits are not issued in fire-prone portions of the state in the spring when fire danger is traditionally high. A variance to permit open burning, however, may be obtained for special circumstances such as prescribed fire projects, approved agricultural practices, construction projects, or economic hardship. **Variances may only be issued by DNR Forestry personnel.** Dates of the restrictions are posted on this website each spring.
- These spring restrictions only regulate fires that require a permit. Recreational campfires are still allowed under annual spring restrictions.

How are the dates for spring restrictions determined?

- Restrictions are determined based on the availability and condition of fine fuels such as standing dead vegetation in fields, swamps, and other open areas that can be totally wet but when conditions change can dry and burn in a matter of hours. These fine fuels play a role in most fires responded to each year because when dry they ignite easily and can spread fire quickly. Once restrictions are established in an area, they remain in place until green-up occurs and fire danger is drastically reduced.

What is a burning ban?

- A burning ban is a restriction issued for a specified part of the state under extremely dry conditions in which existing burning permits are canceled and new permits not issued. Burning in approved burners, recreational fires, and even smoking outdoors may be prohibited, depending on the fire danger. This action is generally taken when fire risk becomes extreme across a broad area of the state. A burning ban is used only in the most severe conditions and is more restrictive.