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COUNTY RECORDER OFFICE OF FILLMORE COUNTY, MINN.

I hereby certify that the within instrument

was filed on 8/23/2010 at 4:20 PM

David Kiehne, Fillmore County Recorder

By Jana Masters Deputy

CITY of RUSHFORD VILLAGE, ORDINANCE No. 16
OUTDOOR BURNING ORDINANCE

SECTION 1.0 PURPOSE

This ordinance is intended to promote the public health, safety and welfare are and to safeguard the health, comfort, living conditions, safety and welfare of the City of Rushford Village due to air pollution and fire hazards of outdoor burning.

SECTION 2.0 APPLICABILITY

This ordinance applies to all outdoor burning and refuse burning within the City of Rushford Village, Minnesota.

2.1. This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

2.2. This ordinance does not apply to burning in a stove, furnace or other heating device within a building used for human or animal habitation as long as the material being burned complies with Sections 4 and 6 of this ordinance.

2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3.0 SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4.0 DEFINITIONS

4.1. "Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

4.2. "Clean Wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resin or glues as in plywood or other composite wood products.

4.3. "Confidential papers" means printed material containing personal identification

or financial information that the owner wants to destroy.

4.4. "Fire Warden" means the individual appointed by the council of the City of Rushford Village authorized to issue Burning Permits.

4.5. "Outdoor Burning" means burning in an outdoor wood-fired furnace.

4.6. "Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

4.7. "Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by human or domestic animals.

4.8. "Refuse" means any waste material except clean wood.

SECTION 5.0 GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

Open burning, outdoor burning and refuse burning are prohibited in the City of Rushford Village unless the burning is specifically permitted by this ordinance.

SECTION 6.0 MATERIALS THAT MAY NOT BE BURNED

6.1. Unless specific written approval has been obtained from the Department of Natural Resources, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.

6.2. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

6.3. Waste oil or other oily wastes except used oil burned in a heating device for energy recovery.

6.4. Asphalt and products containing asphalt.

6.5. Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

6.6. Any plastic material but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

6.7. Rubber including tires and synthetic rubber-like products.

6.8. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled.

SECTION 7.0 OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS

7.1. Except for recreational campfires in a contained space, open burning is prohibited without a burning permit from the Fire Warden. Space at the Village Hall provides for the disposal of leaves, brush, clean wood and other vegetative debris.

7.2. All allowed open burning shall be conducted in a safe nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on roadways or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.

7.3. Except for barbecue, gas and charcoal grills, no open burning shall be undertaken during periods when competent authority has issued a burning ban for the area.

7.4. Open burning under this section shall only be conducted at a location at least 150 feet from the nearest building with the exception of recreational campfires.

7.5. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is safely extinguished and cold.

SECTION 8.0 BURN BARRELS

No person shall use or maintain a burn barrel in the City of Rushford Village. Weekly trash and garbage pickups are furnished for this purpose.

SECTION 9.0 OUTDOOR WOOD-FIRED HYDRONIC HEATERS (Outdoor wood-fired furnace)

9.1 A Zoning Permit must be obtained from the City of Rushford Village before installing a wood-fired Hydronic Heater. Those units being installed must be "White or Orange Tag" certified. Those units presently being used can continue being used as long as there are no legitimate issues in their use or until EPA regulations restrict their use. When EPA standards are developed and test equipment is available, all wood burners must comply with such standards.

9.2. The outdoor wood-fired hydronic heater shall not be used to burn any of prohibited materials listed in Section 6.

9.3. The outdoor wood-fired hydronic heater shall be located at least three hundred (300) feet from the nearest building which is not on the same property as the wood-fired furnace.

9.4. The outdoor wood-fired hydronic heater shall have a chimney that extends at least fifteen (15) feet above the ground surface or the highest limit recommended by the manufacturer.

9.5. If smoke from the unit creates a legitimate nuisance for neighbors, the Council of the City of Rushford Village may require some modification of the unit system on a case by case basis or require the unit be shut down within three (3) days.

9.6. All outdoor wood burning shall be based on the Good Neighbor Rule: Controlled smoke, odor and wood storage.

SECTION 10.0 EXEMPTION FOR BURNING CERTAIN PAPERS

10.1. Notwithstanding Section 6 of this ordinance, paper and cardboard products may be used as a starter fuel for a fire that is allowed by this ordinance.

10.2. Small quantities of confidential papers from a residence may be burned if necessary to prevent the theft of financial records, identification or other confidential information.

10.3 Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

11.00 BURNING PERMITS

11.1. No person shall start or maintain any open burning without a burning permit issued by the Fire Warden.

11.2. An outdoor campfire does not require a permit provided that the fire complies with all other provisions of this ordinance.

11.3. A burning permit issued under this section shall require compliance with all

applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

11.4. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

SECTION 12.0 LIABILITY

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other related liability resulting from damage caused by the fire.

SECTION 13.0 RIGHT OF ENTRY AND INSPECTION

Upon prior notification, any authorized officer, agent, employee or representative of the City of Rushford Village who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

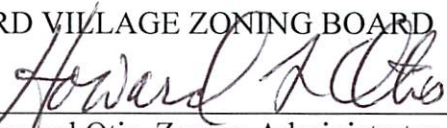
SECTION 14.0 PENALTIES

Violators of this ordinance will be notified by telephone or letter. A fine of five dollars (\$5.00) will be imposed for each day of non-compliance thereafter until thirty (30) days of non-compliance at which time the fine will increase to one hundred dollars (\$100.00) for each day of non-compliance.

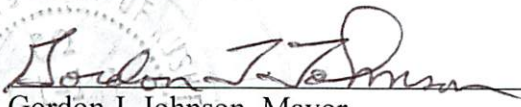
SECTION 15.0 EFFECTIVE DATE

This Ordinance shall become effective upon its passage and publication and a certified copy shall be filed with the Fillmore County Recorder, as provided by law.

➤ RECOMMENDED BY THE CITY OF RUSHFORD VILLAGE ZONING BOARD


Howard Otis, Zoning Administrator

ADOPTED BY THE CITY OF RUSHFORD VILLAGE COUNCIL, this **22nd day of September, 2009**, on motion by **Elizabeth Atkinson**, seconded by **Dale Schwanke**, and carried unanimously.


Gordon J. Johnson, Mayor

Attest:


Joyce Iverson, City Clerk

PUBLISHED in the FILLMORE COUNTY JOURNAL, on the **28th day of September, 2009**.