



**CITY OF CARVER
CARVER COUNTY, MINNESOTA
ORDINANCE NO. 04-2020**

**AN ORDINANCE AMENDING CHAPTER 32, ARTICLE I OF THE CARVER CITY
CODE RELATING TO NUISANCES BY ADDING SPECIFIC PROVISIONS
RELATING TO PROHIBITIONS ON BURNING AND OPEN BURNING AND
AMENDING SECTION 30.23(a) OF THE CITY CODE**

THE CITY COUNCIL OF THE CITY OF CARVER, MINNESOTA ORDAINS:

Section 1. A new Section 32-6 of the Carver City Code is enacted as follows:

Section 32-6: Definitions

As used in Chapter 32, Section 32-6, the following words and phrases have the following meanings:

- (a) **Burning** means the burning of wood, brush, rubbish, refuse, leaves, grass clippings, yard debris or building materials in any location.
- (b) **Open Burning** means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces.
- (c) **Recreational Fire** means 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 three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
- (d) **Portable Outdoor Fireplace** means 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.
- (e) **Minnesota State Fire Code** means the fire code enacted in the State of Minnesota as it may be amended from time to time.

(f) **Refuse** has the meaning set forth in Section 30.2 of the City Code.

Section 2. A new Section 32-7 of the Carver City Code is enacted as follows:

Section 32-7: Prohibitions on Burning and Fires

No person shall permit, authorize or allow to occur within the City any of the following:

- (a) Open burning, except for recreational fires or use of a portable outdoor fireplace in accordance with the manufacturer's instructions;
- (b) The burning of any refuse (as defined in Section 30-2);
- (c) The burning of leaves, grass clippings or other yard debris;
- (d) The burning of anything other than raw, untreated wood, and must not burn any dimensional or other finished, cut, or processed lumber, finished materials, molding, particle board, plywood, processed wood, insulation or any other building products;
- (e) Any burning in a metal container or barrel other than:
 - (1) A barbecue grill or smoker used to produce grilled or smoked food;
 - (2) An interior fireplace or portable fireplace equipped with a surrounding grate and metal cover; or
 - (3) An enclosed boiler for the purpose of providing heat to a structure.
- (f) Any recreational fire which is not contained or surrounded by a perimeter of metal, bricks, stones or blocks of non-combustible material;
- (g) Portable outdoor fireplaces, unless used in accordance with the manufacturer's instructions, and which shall not be operated within 15 feet of a structure;
- (h) Recreational fires, or use of portable outdoor fireplaces, which violate Section 202 or other provisions of the Minnesota State Fire Code;
- (i) Recreational fires within 25 feet of a structure. Conditions which could cause an unreasonable risk of fire to spread within 25 feet of a structure shall be eliminated prior to ignition;
- (j) Recreational fires, or use of portable outdoor fireplaces, at any time the State of Minnesota, its agencies, Carver County or the City of Carver has issued a burning ban; and
- (k) Recreational fires, or use of portable outdoor fireplaces, except for enclosed barbecue grills and smokers, when the wind is in excess of 15 miles per hour.

Section 3. A new Section 30.23(a)(4) of the Carver City Code is enacted as follows:

Permits or allows any of the declared public nuisances in Section 30-23(b) or any other nuisance declared or set forth in Chapter 30 of the Carver City Code.

Section 4. This Ordinance shall be in effect from and after the date of its passage and publication. The City will publish a summary of this Ordinance.

Read and adopted and ordered published at a regular meeting of the City Council of said City on the _____ day of _____, 2020.

Vicky Sons-Eiden, City Clerk

Courtney Johnson, Mayor