



PELICAN RAPIDS

March 29, 2019

The following proposed ordinance will be considered on April 9, 2019 at City Hall, Council Chambers at the regularly scheduled council meeting at 5:00 pm. The City Council of Pelican Rapids is scheduled to make a final vote at that time.

ORDINANCE NO. 2019-02
AN ORDINANCE TO AMEND CHAPTER EIGHT, PART 4, SECTION 804.05, OF THE CITY
CODE FOR THE CITY OF PELICAN RAPIDS

The City Council of the City of Pelican Rapids, Minnesota, does hereby ordain as follows:

That Chapter Eight, Part 4, Section 804.05 is hereby amended and revised to read as follows:

804.05 EXCEPTIONS

Regardless of the following provisions set forth in this Section 804.05, the City of Pelican Rapids reserves the right to reject any and all burning permits in the event the City of Pelican Rapids determines that it is not in the best interests of the public's safety, health or general welfare.

Open burning permits may be issued under any of the following circumstances:

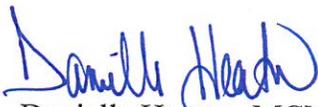
- A. By obtaining a permit from the City of Pelican Rapids, which may be issued only for purposes of burning of native prairie grass areas and grass land conducted by professionals acceptable to the City for purposes of establishment or enhancement of native prairie grasses. The City shall have the right to impose any requirements and restrictions on the permit that it deems necessary to promote and protect the public health, safety and general welfare. The application fee for such permit shall be set by the City Council and may be changed from time to time or,
- B. By obtaining a permit from the City of Pelican Rapids for the purposes of:
 1. Removal of brush piles and organic material; or
 2. Ground thawing for utility repair and construction; or
 3. Elimination of fire of health hazard that cannot be abated by other practical means.

With regard to any permit contemplated above in Section 804.05, Subdivision B, the following subdivisions shall apply:

- (i) A new permit is required for each open burn and open burn permits will be limited to two per parcel per calendar year;
- (ii) An open burning permit shall require a fee. Permit fees shall be set annually by City Council. However, the City Council may at other times amend its fee as it deems necessary;
- (iii) Upon receipt of the completed open burning permit application and permit fee, the Fire Chief, Assistant Fire Chief shall schedule a preliminary site inspection to

- locate the proposed burn site, note special conditions, and set dates and time of permitted burn and review fire safety considerations;
- (iv) Prior to starting an open burn, the permit holder shall be responsible for confirming that no burning ban or air quality alert is in effect. Every open burn event shall be constantly attended by the permit holder. The open burning site shall have available, appropriate communication and fire suppression equipment as set out in the fire safety plan;
 - (v) The open burn fire shall be completely extinguished before the permit holder leaves the site. No fire may be allowed to smolder with no person present. It is the responsibility of the permit holder to have a valid permit, as required by this section, available for inspection on the site by the Police Department, Fire Department, MPCA representative or DNR forest officer;
 - (vi) The permit holder is responsible for compliance and implementation of all general conditions, special conditions, and the burn event safety plan as established in the permit issued. The permit holder shall be responsible for all costs arising out of, in connection with, the open burn in question;
 - (vii) The open burning permit is subject to revocation at the discretion of DNR forest officer, the Fire Chief, Assistant Fire Chief, Fire Marshal, or Assistant Fire Marshals. Reasons for revocation include but are not limited to a fire hazard existing or developing during the course of the burn, any of the conditions of the permit being violated during the course of the burn, pollution or nuisance conditions developing during the course of the burn, or a fire smoldering with no flame present;
 - (viii) If established criteria for the issuance of an open burning permit are not met during review of the application, or if it is determined that a practical alternative method for disposal of the material exists, or if it is determined that a pollution or nuisance condition would result, or if it is determined that a burn event safety plan cannot be drafted to the satisfaction of the Fire Chief or Assistant Fire Chief, then said Fire Chief or Assistant Fire Chief may deny the application for the open burn permit; and
 - (ix) No recreational fire or open burn will be permitted when the city or DNR has officially declared a burning ban due to potential hazardous fire conditions or when the MPCA has declared an Air Quality Alert.

That this Ordinance shall be in full force and effect upon the due passage and publication in the manner provide by law.



Danielle Heaton, MCMC

Clerk-Treasurer