



Policy Statement

Hopkins Fire Prevention Bureau

Date: 10-26-96, (Revised 06-01-06)

Subject: Open Burning

The City of Hopkins uses the State of Minnesota rules regarding open burning and permits for open burning. Combination City of Hopkins and Department of Natural Resources (DNR) permits are issued by the Hopkins Fire Marshal. In accordance with the DNR rules, permits are not required for recreational fires. MN Statutes 1997, Chapter 88 (DNR) says:

Fires set for recreational, ceremonial, food preparation, or social purposes are allowed and do not require the agency permit. (The exception is during a burning ban)

- **The material to be burned must be limited to a pile no larger than 3 ft. in diameter by 3 ft. high.**
- **Only unpainted and untreated wood, coal, or charcoal may be burned.**

Minnesota rules define "Open Burning" as a means of burning of any matter if the resultant combustion products are emitted directly into the atmosphere without passing into a stack, duct, or chimney.

We receive many calls from people wishing to have camp fires in their back yards. Recreational fires meeting requirements above are allowed in Hopkins without a permit. These fires however must be in accordance with the Hopkins City Code Section 905 and the Minnesota Uniform Fire Code 1102.4 as outlined below:

Location. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material unless contained in a barbecue pit. Conditions which could cause a fire to spread to within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

- **Fire-extinguishing equipment.** Buckets, shovels, garden hoses or a fire extinguisher with a minimum 4-A rating shall be readily available for use at recreational fires.
- * **Attendance.** Recreational fires shall be constantly attended by a person knowledgeable in the use of the fire-extinguishing equipment required by Section 1102.4.3. An attendant shall supervise a recreational fire until such fire has been extinguished.
- **Discontinuance.** The chief or the chiefs designee is authorized to require immediate discontinuance if such fires are determined by the chief to constitute a hazardous condition.

If you are concerned neighbors might confuse your recreational fire with a destructive one and call "911", you may call the Hopkins Police and Fire Dispatcher at 938-8885 and tell them you are having a recreational fire.

If a neighbor complains because of smoke or fear of the fire spreading it will be considered a Public Nuisance and the fire required to be extinguished. Be a good neighbor. Keep your fire well away from the property line. Use only clean dry wood. Don't allow the fire to smolder. Keep it burning good and hot to minimize smoke.

Selected D.N.R. Burning Statutes

Minnesota Statutes 1997

Chapter 88.

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88.01 Definitions.

Subd. 23. Open fire; open burning. "Open fire" or "open burning" means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.

Subd. 25. Campfire. "Campfire" means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material.

88-15 Campfires.

Subdivision 1. Extinguishment. Any forest officer, conservation officer, or other peace officer who finds that any person has left a campfire burning shall take measures to extinguish the fire and take action against the person or persons responsible for leaving the campfire burning.

SUM 2. Not to be left burning. Every person who starts a campfire shall exercise every reasonable precaution to prevent the campfire from spreading and shall before lighting the campfire clear the ground of all combustible material within a radius of five feet from the base of the campfire. The person fighting the campfire shall remain with the campfire at all times and shall before leaving the site completely extinguish the campfire.

HIST: (4031-20, 4031-21) 1925 c 407 s 20,21; 1929 c 261 s 1; 1981 c 37 s 2; 1986 c 444; 1993 c 328 s 23

88.16 Starting fires; burners; failure to report a fire.

Subdivision 1. Except as provided in subdivision 2, and section 88.17, it shall be Unlawful to start or have any open fire without the written permission of the commissioner, a forest officer, or an authorized fire warden.

Subd. 2. No permit is required for the following fires:

(a) A fire started when the ground is snow-covered.

(b) A campfire.

(c) A fire contained in a charcoal grill, camp stove, or other device designed for the purpose of cooking or heating.

(d) A fire to burn dried vegetative materials and other materials allowed by Minnesota statutes or official state rules and regulations in a burner of a design which has been approved by the commissioner and with which there is no combustible material within five feet of the base of the burner and is in use only between the hours of 6:00 p.m. and 8:00 a.m. of the following day, when the ground is not snow-covered.

Subd. 3. The occupant of any property upon which any unauthorized fire is burning, whether the fire was started by the occupant or otherwise, shall promptly

report the fire to the nearest forestry office, fire department, or other proper authority. Failure to make this report shall be a misdemeanor and the occupant of the premises shall be deemed prima facie guilty of negligence if the unreported fire spreads from the property or causes damage, loss, or injury to another person, that person's property, or the state.

HIST: (4031-22) 1925 c 407 s 22; 1967 c 146 s 12; 1969 c 410 s 1; 1978 c 735 s 3; 1986 c 444; 1993 c 328 s24

88.171 Open burning prohibitions.

Subdivision 1. Continual. Open burning prohibitions specified in this section are in effect at all times of the year.

Subd. 2. Prohibited materials; exceptions. No person shall conduct, cause, or permit open burning of rubber,

plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, fires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wring, paint, or paint filters. The commissioner may allow burning of prohibited materials when the commissioner of health or the local board of health has made a determination that the burning is necessary to abate a public health nuisance. Except as specifically authorized by the commissioner of the pollution control agency as an emergency response to an oil spill, no person shall conduct, cause, or permit open burning of oil.

Subd. 3. Hazardous wastes. No person shall conduct, cause, or permit open burning of hazardous waste as defined in section 116.06, subdivision 1, and applicable commissioner's rules.

Subd. 4. Industrial solid waste. (a) No person shall conduct, cause, or permit open burning of solid waste generated from an industrial or manufacturing process or from a service or commercial structure.

(b) The commissioner may allow open burning of raw untreated wood if the commissioner determines that reuse, recycling, or land disposal is not a feasible or prudent alternative.

Subd. 5. Demolition debris. No person shall conduct, cause, or permit open burning of burnable building material generated from demolition of commercial or institutional structures. A farm building is not a commercial structure.

Subd. 6. Salvage operations. No person shall conduct, cause, or permit salvage operations by open burning.

Subd. 7. Motor vehicles. No person shall conduct, cause, or permit the processing of motor vehicles by open burning.

Subd. 8. Garbage. (a) No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food, unless specifically allowed under section 17.135.

(b) A county may allow a resident to conduct open burning of material described in paragraph (a) that is generated from the resident's household if the county board by resolution determines that regularly scheduled pickup of the material is not reasonably available to the resident.

Subd. 9. Burning ban. No person shall conduct, cause, or permit open burning during a burning ban put into effect by a local authority, county, or a state department or agency.

Subd. 10. Smoldering fires. Fires must not be allowed to smolder with no flame present, except when conducted for the purpose of managing forests, prairies, or wildlife habitats.

HIST: 1993 c 328 s 27; 1995 c 240 art 2 s 1; 1996 c 295s1,2

88.195 Penalties.

Subdivision 1. Failure to extinguish a fire. Any person who starts and fails to control or extinguish the fire, whether on owned property or on the property of another, before the fire endangers or causes damage to the property of another person or the state is guilty of a misdemeanor.

Subd. 2. Failure to control a permit fire. Any person who has a burning permit and fails to keep the permitted fire contained within the area described on the burning permit or who fails to keep the fire restricted to the materials specifically listed on the burning permit is guilty of a misdemeanor.

Subd. 3. Careless or negligent fires. Any person who carelessly or negligently starts a fire that endangers or causes damage to the property of another person or the state is guilty of a misdemeanor.

Subd. 4. Careless or negligent acts. Any person who participates in an act involving careless or negligent use of motor vehicles, other internal combustion engines, firearms with tracers or combustible wads, fireworks, smoking materials, electric fences, torches, flares, or other burning or smoldering substances whereby a fire is started and is not immediately extinguished before the fire endangers or causes damage to the property of another person or the state is guilty of a misdemeanor.

Subd. 5. Internal combustion engines. Any person who operates a vehicle in a wildfire area when the ground is not snow-covered with an open exhaust cutout, without a muffler, without a catalytic converter if required, or without a spark arrestor on the exhaust pipe; or any person who operates a tractor, chainsaw, or other internal combustion engine not equipped to prevent fires is guilty of a misdemeanor.

HIST: 1993 c 328 s 29