

PROPOSED ORDINANCE NO. 53, FOURTH SERIES

AN ORDINANCE AMENDING CITY CODE CHAPTER 91. HEALTH AND SANITATION; NUISANCES, REPEALING AND REPLACING SECTION 91.02 OPEN BURNING WITH NEW REGULATIONS FOR RECREATIONAL FIRES

THE CITY OF LUVERNE DOES HEREBY ORDAIN:

SECTION 1. That Chapter 91. Health and Sanitation Nuisances of the Luverne City Code is hereby amended by repealing and replacing Section 91.02 Open Burning with new regulations for Recreational Fires as follows:

§ 91.02 RECREATIONAL FIRES

(A) Definitions

- (1) **RECREATIONAL FIRE.** 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 3 feet or less in diameter and 2 feet or less in height for pleasure, religious ceremony, cooking, warmth or similar purposes.
- (2) **PORTABLE OUTDOOR FIREPLACE.** 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.

(B) Restrictions and Prohibitions

- (1) Recreational fires must be at least 25 feet from all buildings or combustible materials and no closer than 10 feet from an adjacent property line.
- (2) Recreational fires must be contained within a noncombustible and nonsmoke producing border that is no more than a three-foot diameter circle or three-foot (3' X 3') square, measured from the inside of the fire ring or border.
- (3) Portable outdoor fireplaces shall be used in accordance with the manufacturer's instruction and shall not be operated within 15 feet of a structure or combustible materials.
- (4) The fire must be constantly attended to and supervised by an adult until the fire has been completely extinguished.
- (5) A connected garden hose, fire extinguisher or other means to immediately extinguish the fire must be readily available.
- (6) Only clean, dry, natural wood can be burned. Treated or painted wood, plastic, rubber, leaves and grass are not allowed to be burned.

- (7) Fires shall produce very little detectable smoke, odor or soot beyond the property line.
- (8) The fire must be extinguished immediately if they pose a fire safety risk, if they are not in compliance with the above or when directed to do so by the fire code official or law enforcement officer(s) having jurisdiction.

(C) Penalty

- a. A violation of this section shall be a petty misdemeanor and is punishable in accordance with Section 10.99 of Chapter 10 of this Code, including, but not limited to a fine in the amount set forth in the City's fee schedule.

SEC. 2. This ordinance takes full force and effect seven (7) days after its publication.

Caroline Thorson, Acting Mayor

ATTEST: _____

Jill Wolf, City Administrator

Posted on Website: October 31, 2024

Introduced: June 17, 2025

Adopted:

Published:

Effective: