

The following shall replace all of Section 16.1 in the current West Lakeland Township Ordinances.

16.1 Regulation of Fires and Burning

16.1.1 Definitions:

- 16.1.1.1 Designated Fire Official.** The Chairman of the Town Board, a Town Supervisor, the Fire Chief, or Fire Warden designated by the Town Board.
- 16.1.1.2 Open Burning.** The burning of any matter that passes into the atmosphere without going through a duct, flue or chimney, except a recreational fire as defined below. Mobile cooking devices such as charcoal or gas grills are not considered open burning devices.
- 16.1.1.3 Recreational/Camp Fire.** A fire contained within an area no larger than three (3) feet in diameter. The fire is started with an approved starter fuel. The fire is to use clean, dry wood, and produce little detectable smoke, odor or soot beyond the property line.
- 16.1.1.4 Recreational/Camp Fire Site.** An area no more than three (3) feet in diameter, completely surrounded by non-combustible material, such as rock, cement, brick, tile, blocks or ferrous metal. Burning barrels are not a recreational fire site. Recreational fires shall not be closer than 25 feet to any structure.
- 16.1.1.5 Running Fire.** An attended fire allowed to spread through surface vegetative matter under controlled conditions for the purpose of vegetative management, forest management, game habitat management, or agricultural improvement.
- 16.1.1.6 Starter Fuels.** Wood that is dry, untreated, and unpainted, kindling, branches or charcoal fire starter. Propane gas torches or other clean burning devices may be used to start an open burn.
- 16.1.1.7 Vegetative Materials.** Dry leaves, dry grass clippings, twigs, branches, tree limbs, weeds, untreated or unpainted wood containing no glues or resins, and other similar materials. Paper and cardboard are not considered vegetative materials.
- 16.1.1.8 Wood.** Dry, clean fuels, such as twigs, branches, limbs, manufactured fireplace logs, charcoal, cord wood, or untreated dimensional lumber. "Wood" does not include green wood with leaves or needles, rotten, wet, oil-soaked, or treated with paint or preservatives.

16.1.2 Prohibited Materials:

- 16.1.2.1** Oils, petroleum fuels, rubber, plastic, or chemically treated materials, or other materials that produce excessive or noxious smoke. Such materials include, but are not limited to, tires, railroad ties, treated or painted wood, wood composition board, shingles, tar paper, insulation, dry wall, mattresses, wiring, paint or paint fillers.
- 16.1.2.2** Hazardous waste or salvage waste, such as, solid waste generated from industrial processes, materials from a service or commercial establishment, or materials generated by the demolition of a commercial, service or institutional structure.
- 16.1.2.3** Discarded materials resulting from the handling, processing, storage, preparation, serving or consumption of food.
- 16.1.2.4** Vegetative materials brought in from off the premises.

- 16.1.3 Open Burning Prohibited Except by Permit.** No open burning is allowed on any property without an open burning permit. A permit is not required for a recreational/campfire.
- 16.1.4 Burning Prohibited – Exceptions.** No person shall start or allow to burn for any purpose any outdoor fire with the following exceptions:
- 16.1.4.1** Fires in containers constructed to prevent flames or sparks from escaping. Containers must be in good condition and maintained to prevent flames or sparks from escaping. An adult must remain within twenty (20) feet of the container and have an unobstructed view of the container whenever a fire is burning in the container.
 - 16.1.4.2** Recreational Fire. A fire set with an approved starter fuel within an area no larger than three (3) feet in diameter. The fire is to use clean, dry wood, and produce little detectable smoke, odor or soot beyond the property line. A Recreational Fire may be used by a property owner to dispose of vegetative materials. The fire must always be tended by an adult and respect weather conditions and neighbors. No recreational fire or open burn will be permitted when the DNR has declared a burning restriction or when the MPCA has declared an air quality alert. The fire must not create a nuisance, health or safety hazard.
 - 16.1.4.3** Open fires larger than three (3) feet in diameter require permits issued by the Chairman of the Town Board, a Town Supervisor, or Designated Fire Official if conditions permit safe burning. The permit shall set time limits and other requirements necessary for safe burning. If the burning permit is for the disposal of brush, waste, trash or other unwanted materials, and a practical alternative method for disposal exists, or if a pollution or nuisance condition would result, or if a satisfactory burn safety plan cannot be drafted, the designated fire official may deny the application.
- 16.1.5 Permitted Open Burning.** Under special circumstances, open burning permits may be issued by the Designated Fire Official or DNR forestry official for:
- 16.1.5.1** Elimination of a health hazard that cannot be abated by other practical means.
 - 16.1.5.2** Ground thawing for utility repair and construction.
 - 16.1.5.3** Running fires.
 - 16.1.5.4** Disposal of vegetative matter for managing forest, prairie or wildlife habitat, property maintenance, and in the development and maintenance of land and rights-of-way.
 - 16.1.5.5** Disposal of diseased trees on-site, diseased or infected nursery stock, or diseased beehives.
 - 16.1.5.6** Disposal of construction material. The material must be unpainted, untreated, non-glued, and free of fastening hardware.
- 16.1.6 Penalty.** Violation of any part of this ordinance, including maintaining a nuisance after being notified in writing, shall be a misdemeanor.