

**CITY OF WAVERLY  
WRIGHT COUNTY, MINNESOTA**

**Ordinance No. 14.02**

**AN ORDINANCE AUTHORIZING AND REGULATING THE OPEN BURNING OF  
LEAVES WITHIN THE CITY OF WAVERLY, MINNESOTA AND AMENDING  
ORDINANCE 90.61 ENTITLED OPEN BURNING, PROHIBITED MATERIALS SECTION  
(D) TO READ AS FOLLOWS:**

**THE CITY COUNCIL OF THE CITY OF WAVERLY DOES ORDAIN:**

**90.61**

**(D)** No person shall conduct, cause or permit open burning of any leaves or grass clippings except annually during the period designated by the City Ordinance regulating the open burning of leaves.

**SECTION 1. BURNING PERMITTED.**

Subject to the provisions of the Minn. Stat. 116.082, the open burning of dried leaves between September 15<sup>th</sup> and December 1<sup>st</sup> is hereby allowed, subject to the limits and conditions specified in this ordinance.

**SECTION 2. LIMITS AND CONDITIONS.**

The burning leaves will only be permitted under the following limits and conditions:

- (A) The open burning of leaves and grass clippings will only be permitted between September 15<sup>th</sup> and December 1<sup>st</sup>.
- (B) Burning shall be limited only to the areas of the city zoned residential.
- (C) A fire shall not be less than five (5) feet from any property line or within 25 feet of any building, lumber pile, wood yard, hay stack, or other combustible material.
- (D) A responsible person shall be in constant attendance until the fire is completely extinguished.
- (E) Burning will only be allowed during daylight hours.

(F) The burning of leaves is prohibited on city streets, alleys, sidewalks, boulevards, or any public parking by private citizens.

(G) No burning shall take place during an air pollution alert, high fire danger, warning or other emergency declared by this city, the Minnesota Pollution Control Agency (MPCA), or the Minnesota Department of Natural Resources (DNR).

(H) The Fire Chief, or another local fire authority designee, will have the authority to discontinue a burn when:

(1) A fire hazard exists or develops during the course of the burn.

(2) It is determined that the smoke emissions are offensive to occupants of the surrounding property.

### **SECTION 3. COPY TO STATE AGENCIES**

A copy of this Section, or any amendment thereof, shall be submitted to the MPCA and the DNR.

### **SECTION 4. PENALTY**

Any person convicted of violating any provision of this ordinance is guilty of a misdemeanor and shall be punished by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for not more than ninety (90) days, or both, plus the costs of prosecution in either case.

### **SECTION 4. APPLICATION**

The provisions of this ordinance shall only apply to the burning of leaves and grass clippings. It is unlawful for any person to burn any materials prohibited under the City of Waverly ordinances or state statute.

### **SECTION 5. SEVERABILITY.**

If any provision of this ordinance is found to be invalid for any reason by a court of competent jurisdiction, the validity of the remaining provisions shall not be affected.

### **SECTION 6. EFFECTIVE DATE.**

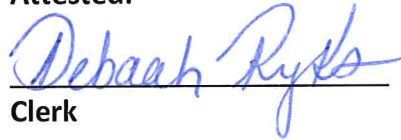
This ordinance becomes effective on the date of its publication, or upon the publication of a summary of the ordinance as provided by Minn. Stat. 412.191, subd. 4, as it may be amended from time to time, which meets the requirements of Minn. Stat. 331A.01. subd. 10, as it may be amended from time to time.

Passed by the Waverly City Council on the 12<sup>th</sup> day of November, 2014.



Mayor

Attested:



Clerk