

amended 11/11 6-28-13

ORDINANCE #99

An Ordinance regulating open burning and adopting Minnesota Control Agency Air Pollution Control Regulation Number 8 by reference.

The City Council of Lyle ordains:

SECTION 1. APC REGULATION 8 ADOPTED BY REFERENCE.

Air Pollution Control Regulation 8, adopted by the Minnesota Pollution Control Agency and thereafter ammended, is adopted by reference pursuant to Minnesota Statutes, Section 471.62. The City Clerk shall mark one copy of the regulation "Official Copy" and keep it on file in office for use and examination by the public.

SECTION 2. OPEN BURNING PERMITS.

Upon determining that all necessary precautions have been taken to protect life and property, the City of Lyle may issue an open burning permit for any purpose for which open burning under permit is authorized by the state regulation. The permit shall be subject to the restrictions imposed by the regulation and such other restrictions as may be imposed by the City of Lyle to protect the public health, safety, and welfare in the particular case. Any permit application shall be denied in cases provided by the regulation. The permit is subject to revocation as the regulation provides. An open burning permit issued under this ordinance or APC Regulation 8 does not excuse the permittee from the consequences, damages, or injuries that may result therefrom.

SECTION 3. LEAF BURNING.

Between September 15 and December 1 of each year the open burning of dried leaves is permitted within the City subject to the restrictions of laws and this section, notwithstanding any other provisions of this ordinance. No open burning shall take place during an air pollution alert, warning or emergency declared by the Minnesota Pollution Control Agency. No such burning shall take place during a high wind or when a traffic hazard might be created thereby in any nearby street; nor shall any leaf burning take place without a responsible attendant.

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ORDINANCE # 99 cont.

SECTION 4. OPEN BURNING NUISANCES.

Except as open burning is otherwise authorized by this ordinance open burning without a permit is hereby declared to be a public nuisance. The City of Lyle may summarily abate such nuisance without notice to any party.

SECTION 5. PENALTY.

Any person, firm or corporation violating any provision of this ordinance is guilty of a misdemeanor and upon conviction thereof, shall be subject to a fine of not less than \$500.00 or imprisonment for not more than 90 days, or both, plus the costs of prosecution in either case.

Adopted by the Lyle City Council this 7<sup>th</sup> day of August, 1989.

Harold Robb  
Mayor

Attest:

Kim Helgeson  
Clerk