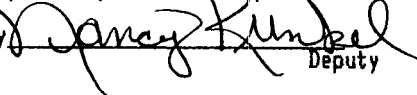


Office of County Recorder
County of Martin, Minnesota
I hereby certify that the within
instrument was filed in this office
for recording on 06/08/2005 at 01:20PM
and was duly recorded as Document No.

2005R-378444

Kay Wrucke, Martin County Recorder

By  Deputy

Martin County Ordinance No. 2005-11

REC FEE: \$19.50
PAGES: 4

MARTIN COUNTY OPEN BURNING RESTRICTIONS ORDINANCE
MARTIN COUNTY, MN

GENERAL REGULATIONS

PURPOSE:

The purpose of this ordinance is to address the threat of wildfires that is posed in the agricultural areas and counties within Minnesota. The counties as the highest level of local government have the authority and the duty to protect their citizens from the threat to public safety and property posed by fire. This ordinance allows the Sheriff to issue burning restrictions and assist in the overall implementation of Minnesota's fire protection statutes in a way that enhances the protection of the citizens of Martin County. The Sheriff is authorized pursuant to Minnesota Statutes 387.03 to keep the peace of the county. Within this duty, the Sheriff enforces laws that the people have enacted for the protection of the safety, comfort, convenience, public health, and general welfare of the citizens of Martin County, MN.

SECTION 1. COUNTY SHERIFF AUTHORITY:

Through passage of this ordinance, the County Sheriff for this locality is hereby authorized to issue burning restrictions to aid in the prevention of wildfires. Burning restrictions implemented by the Sheriff shall be done in conformance with and consultation with the Division of Forestry and in accordance with provisions of the Wildfire Act: Chapter 88 statutes. The Sheriff is hereby authorized to consult with Division of Forestry staff and develop burning restriction criteria based upon the Division's open burning programs.

SECTION 2. DUTY OF ENFORCEMENT OFFICIALS:

It shall be the duty of all County Attorney, Sheriff, other peace officers, and other officials having authority in the enforcement of the general criminal laws to take all actions to the extent of their authority, respectively, that may be necessary or proper for the enforcement of the provisions, standards and orders implemented under this Ordinance.

SECTION 3. BURNING RESTRICTIONS

In order to protect the safety and welfare of the citizens of Martin County during the time of need to implement open burning restrictions, the Sheriff is authorized to implement open burning restrictions/bans described as follows,

3.1 BURNING RESTRICTION A

(a) All open burning in rural areas is suspended with the following exemptions:

(1) Fires contained in grills, camp stoves, or other devices for cooking or heating.

(2) Burning in an enclosed "burner," only from 6:00 A.M. to 8:00 P.M., with a five-foot wide area around the burner cleared of all vegetation and other flammable material.

(3) Campfires (up to 3' diameter by 3' high) in a pit or fire ring, surrounded by a five-foot wide area cleared of all vegetation and other flammable materials.

(4) Fires for road, utility, or other construction clearing if adequate equipment and manpower are available to control fires.

(5) Fires for vegetative management by public agencies, private organizations, or private individuals. Prescribed burn plans are required for all running fires, with adequate manpower and suppression equipment to contain fires.

Active open burning permits issued by the Martin County Sheriff's Office, DNR Forest Officers, Municipalities, or other Fire Wardens, for burn events other than the above, are temporarily suspended.

3.2 BURNING RESTRICTION B

(b) All open burning in rural areas is suspended with the following exemptions:

(1) Fires contained in grills, camp stoves, or other devices for cooking or heating.

(2) Campfires (up to 3' diameter by 3' high) in a pit or fire ring, surrounded by a five-foot wide area cleared of all vegetation and other flammable materials.

(3)Running fires for vegetative management by public agencies or private organizations. Professionally prepared prescribed burn plans are required for all running fires, with adequate manpower and suppression equipment to contain fires.

Active open burning permits issued by the Martin County Sheriff's Office, DNR Forest Officers, Municipalities, or other Fire Wardens, for burn events other than the above, are temporarily suspended.

3.3 BURNING BAN

All open burning in rural areas is prohibited except fires contained in grills, camp stoves, or other devices for cooking or heating. Prohibited fires include campfires, burners, and outdoor smoking. Previously issued open burning permits issued by the Martin County Sheriff's Office, DNR Forest Officers, Municipalities, or other Fire Wardens are suspended for the duration of this burning ban.

SECTION 4. PENALTIES AND ENFORCEMENT

Any person, firm or corporation who shall violate any of the provisions this Ordinance, or who fails, neglects or refuses to comply with any of the provisions of this Ordinance, or who shall make any false statements or knowing omission in any document required to be submitted under the provisions of this Ordinance, shall be guilty of a misdemeanor. Each day that a violation continues shall constitute a separate offense.

In addition, nothing in this Ordinance shall be construed as limiting the County's, or any other governmental unit's, ability to exercise any right or remedy provided at law or in equity. All such rights and remedies are deemed cumulative and may, in accordance with the law, be exercised and pursued in such a manner and with such frequency as is determined by the governmental entity possessing such right or remedy.

SECTION 5. SEPARABILITY:

Should any provision or any part hereof be declared by any Court of competent jurisdiction to be invalid or unenforceable, the same shall not affect the validity or enforceability of the balance of this Ordinance which shall remain in effect.

SECTION 6. REPEAL:

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. EFFECTIVE DATE:


This ordinance shall be published in the manner provided by law and shall take effect thirty (30) days after publication.

SECTION 8. ADOPTION

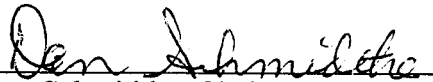
The Martin County Board of Commissioners, after proper notice and publication, held a public hearing on the adoption of this Ordinance on the 17th day of May 2005, at the Martin County Courthouse. After hearing public testimony and with due deliberation, the Martin County Board of Commissioners voted to approve and adopt this Ordinance.

This Ordinance is deemed effective the 3 day of July, 2005.

Attest:



Scott Higgins
Martin County Coordinator



Dan Schmidtke, Chairman
Martin County Board of Commissioners

