

Farm Disposal of Solid Waste

17.135 FARM DISPOSAL OF SOLID WASTE.

(a) A permit is not required from a state agency, except under sections 88.16, 88.17, and 88.22 for a person who owns or operates land used for farming that buries, or burns and buries, solid waste generated from the person's household or as part of the person's farming operation if the burying is done in a nuisance free, pollution free, and aesthetic manner on the land used for farming. This exception does not apply if regularly scheduled pickup of solid waste is reasonably available at the person's farm, as determined by resolution of the county board of the county where the person's farm is located.

[REDACTED]

HIST: 1989 c 131 s 2; 1993 c 249 s 5

**88.01 DEFINITIONS.**

Subdivision 1. **Terms.** For the purposes of chapter 88, the terms defined in this section have the meanings given them.

Subd. 2. **Division.** "Division" or "the division" means the division of forestry in the department of natural resources.

Subd. 3. **Commissioner.** "Commissioner" means commissioner of natural resources.

Subd. 4. **Person.** "Person" includes any natural person acting either personally or in any representative capacity, a corporation, a firm, a copartnership, or an association of any nature or kind.

[REDACTED]

Subd. 6. **Wildfire areas.** Every county now or hereafter having within its boundaries any tract or area of 1,000, or more, contiguous acres of trees, brush, grasslands, or other vegetative material where the potential for wildfire exists, is hereby declared to be a wildfire area.

[REDACTED]

Subd. 14. **County board and town board.** "County board" means the board of county commissioners; and "town board" means the board of town supervisors.

[REDACTED]

[REDACTED]

Subd. 20. **Owner.** "Owner" includes the person owning the fee title to any tract of land, but does not include an owner of timber thereon or of minerals or any other thing therein when such ownership is separate from the ownership of the surface.

[REDACTED]

Subd. 23. **Open fire; open burning.** "Open fire" or "open burning" means a fire burning in matter, whether concentrated or dispersed, which is not contained within a fully enclosed firebox, structure or vehicle and from which the products of combustion are emitted directly to the open atmosphere without passing through a stack, duct or chimney.

Subd. 24. **Wildfire.** "Wildfire" means a fire requiring suppression action, burning any forest, brush, grassland, cropland, or any other vegetative material.

Subd. 25. **Campfire.** "Campfire" means a fire set for cooking, warming, or ceremonial purposes, which is not more than three feet in diameter by three feet high, and has had the ground five feet from the base of the fire cleared of all combustible material.

Subd. 26. **Snow-covered.** "Snow-covered" means that the ground has a continuous, unbroken cover of snow, to a depth of three inches or more, surrounding the immediate area of the fire sufficient to keep the fire from spreading.

**HIST:** (4031-1, 4031-2, 4031-35 1/2, 4031-57, 4031-72, 5887-42) 1925 c 263 s 22; 1925 c 407 s 1,2; 1927 c 247 s 13; 1929 c 218 s 1; 1935 c 331 s 12; 1955 c 699 s 1; 1963 c 418 s 1; 1967 c 146 s 1; 1967 c 905 s 5; 1969 c 6 s 18; 1969 c 54 s 1,2; 1969 c 1129 art 10 s 2; 1976 c 181 s 2; 1978 c 735 s 1; 1986 c 444; 1993 c 328 s 1-8

Citation. Wildfire Act.

**88.02 CITATION, WILDFIRE ACT.**

Sections 88.02 to 88.22 may be cited as the wildfire act.  
**HIST:** (4031-1) 1925 c 407 s 1; 1993 c 328 s 9

## Codification

### 88.03 CODIFICATION.

Sections 88.03 to 88.22 shall be deemed and construed as a codification, revision, and expansion of, and as supplementary to, and taking the place of, the laws which existed at the time of the passage of Laws 1925, chapter 407, relating to forestry and to wildfires, including Laws 1911, chapter 125, and acts amendatory thereof and supplemental thereto; Laws 1913, chapter 159; Laws 1915, chapter 325; Extra Session Laws 1919, chapters 32 and 33, but without abridging or destroying any rights, obligations, liabilities, or penalties from, or under, any of such laws prior to the taking effect of Laws 1925, chapter 407. Sections 88.03 to 88.22 shall apply to all the wildfire areas of this state. In any civil or criminal prosecution action commenced under sections 88.03 to 88.22, or proceeding thereunder, it shall not be necessary to prove that any county is included in a wildfire area, but the contrary may be proven by any party to such action or proceeding.

HIST: (4031-1) 1925 c 407 s 1; 1993 c 328 s 10

**88.16 STARTING FIRES; BURNERS; FAILURE TO REPORT A FIRE.**

Subdivision 1. Except as provided in subdivision 2, and section 88.17, it shall be unlawful to start or have any open fire without the written permission of the commissioner, a forest officer, or an authorized fire warden.

Subd. 2. No permit is required for the following fires:

- (a) A fire started when the ground is snow-covered.
- (b) A campfire.

(c) A fire contained in a charcoal grill, camp stove, or other device designed for the purpose of cooking or heating.

(d) A fire to burn dried vegetative materials and other materials allowed by Minnesota statutes or official state rules and regulations in a burner of a design which has been approved by the commissioner and with which there is no combustible material within five feet of the base of the burner and is in use only between the hours of 6:00 p.m. and 8:00 a.m. of the following day, when the ground is not snow-covered.

[REDACTED]

HIST: (4031-22) 1925 c 407 s 22; 1967 c 146 s 12; 1969 c 410 s 1; 1978 c 735 s 3; 1986 c 444; 1993 c 328 s 24

**88.17 PERMISSION TO START FIRES; PROSECUTION FOR UNLAWFULLY STARTING FIRES.**

Subdivision 1. **Permit required.** A permit to start a fire to burn vegetative materials and other materials allowed by Minnesota Statutes or official state rules and regulations may be given by the commissioner or the commissioner's agent. This permission shall be in the form of a written permit signed by a forest officer, fire warden, authorized Minnesota pollution control agent, or other person authorized by the forest officer, or town fire warden, and shall set the time and conditions by which the fire may be started and burned. The permit shall also specifically list the materials that may be burned. The permittee must have the permit on their person and shall produce the permit for inspection when requested to do so by a forest officer, town fire warden, conservation officer, or other peace officer. The permittee shall remain with the fire at all times and before leaving the site shall completely extinguish the fire. A person shall not start or cause a fire to be started on any land that is not owned or under their legal control without the written permission of the owner, lessee, or an agent of the owner or lessee of the land. Violating or exceeding the permit conditions shall constitute a misdemeanor and shall be cause for the permit to be revoked.

Subd. 2. Repealed, 1993 c 328 s 32

Subd. 3. **Special permits.** The following special permits are required at all times, including when the ground is snow-covered:

(a) **Fire training.** A permit to start a fire for the instruction and training of firefighters, including liquid fuels training, may be given by the commissioner or agent of the commissioner. Except for owners or operators conducting fire training in specialized industrial settings pursuant to applicable federal, state, or local standards, owners or operators conducting open burning for the purpose of instruction and training of firefighters with regard to structures must follow the techniques described in a document entitled: Structural Burn Training Procedures for the Minnesota Technical College System.

(b) **Permanent tree and brush open burning sites.** A permit for the operation of a permanent tree and brush burning site may be given by the commissioner or agent of the commissioner. Applicants for a permanent open burning site permit shall submit a complete application on a form provided by the commissioner. Existing permanent tree and brush open burning sites must submit for a permit within 90 days of the passage of this statute for a burning permit. New site applications must be submitted at least 90 days before the date of the proposed operation of the permanent open burning site. The application must be submitted to the commissioner and must contain:

(1) the name, address, and telephone number of all owners of the site proposed for use as the permanent open burning site;

(2) if the operator for the proposed permanent open burning site is different from the owner, the name, address, and telephone number of the operator;

(3) a general description of the materials to be burned, including the source and estimated quantity; and

(4) a topographic or similarly detailed map of the site and surrounding area within a one mile circumference showing all structures that might be affected by the operation of the site.

Only trees, tree trimmings, or brush that cannot be disposed of by an alternative method such as chipping, composting, or other method shall be permitted to be burned at a permanent open burning site. A permanent tree and brush open burning site must be located so as not to create a nuisance or endanger water quality.

**HIST:** (4031-23) 1925 c 407 s 23; 1967 c 146 s 13; 1969 c 410 s 2; 1978 c 735 s 4; 1986 c 444; 1987 c 271 s 1; 1993 c 328 s 25,26



**88.171 OPEN BURNING PROHIBITIONS.**

Subdivision 1. **Continual.** Open burning prohibitions specified in this section are in effect at all times of the year.

Subd. 2. **Prohibited materials.** No person shall conduct, cause, or permit open burning of oils, rubber, plastics, chemically treated materials, or other materials which produce excessive or noxious smoke including, but not limited to, tires, railroad ties, chemically treated lumber, composite shingles, tar paper, insulation, composition board, sheetrock, wiring, paint, or paint filters.

[REDACTED]

Subd. 5. **Demolition debris.** No person shall conduct, cause, or permit open burning of burnable building material generated from demolition of commercial or institutional structures. A farm building is not a commercial structure.

Subd. 6. **Salvage operations.** No person shall conduct, cause, or permit salvage operations by open burning.

Subd. 7. **Motor vehicles.** No person shall conduct, cause, or permit the processing of motor vehicles by open burning.

Subd. 8. **Garbage.** (a) No person shall conduct, cause, or permit open burning of discarded material resulting from the handling, processing, storage, preparation, serving, or consumption of food, unless specifically allowed under section 17.135.

(b) A county may allow a resident to conduct open burning of material described in paragraph (a) that is generated from the resident's household if the county board by resolution determines that regularly scheduled pickup of the material is not reasonably available to the resident.

Subd. 9. **Burning ban.** No person shall conduct, cause, or permit open burning during a burning ban put into effect by a local authority, county, or a state department or agency.

Subd. 10. **Smoldering fires.** Fires must not be allowed to smolder with no flame present, except when conducted for the purpose of managing forests, prairies, or wildlife habitats.

HIST: 1993 c 328 s 27

**116.11 EMERGENCY POWERS.**

If there is imminent and substantial danger to the health and welfare of the people of the state, or of any of them, as a result of the pollution of air, land, or water, the agency may by emergency order direct the immediate discontinuance or abatement of the pollution without notice and without a hearing or at the request of the agency, the attorney general may bring an action in the name of the state in the appropriate district court for a temporary restraining order to immediately abate or prevent the pollution. The agency order or temporary restraining order shall remain effective until notice, hearing, and determination pursuant to other provisions of law, or, in the interim, as otherwise ordered. A final order of the agency in these cases shall be appealable in accordance with chapter 14.

**History:** *1969 c 1046 s 11; 1973 c 374 s 21; 1982 c 424 s 130; 1983 c 247 s 52*



# Minnesota House of Representatives

KEY: ~~stricken~~ = old language to be removed  
underscored = new language to be added

NOTE: If you cannot see any difference in the key above, you need to change the display of stricken and/or underscored language.

## Authors and Status ■ List versions

### H.F No. 7, 3rd Engrossment: 81st Legislative Session (1999-2000) Posted on 5/12/99

- 1.1 A bill for an act  
 1.2 relating to the environment; providing for the  
 1.3 termination of the motor vehicle emissions testing  
 1.4 program by March 1, 2000, or earlier; amending  
 1.5 Minnesota Statutes 1998, sections 116.60, by adding a  
 1.6 subdivision; 116.61, subdivision 1, and by adding a  
 1.7 subdivision; 116.62, subdivisions 2, 3, 5, and by  
 1.8 adding a subdivision; and 116.63, subdivision 4;  
 1.9 repealing Minnesota Statutes 1998, sections 116.60;  
 1.10 116.61; 116.62; 116.63; 116.64; and 116.65.  
 1.11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:  
 1.12 Section 1. Minnesota Statutes 1998, section 116.60, is  
 1.13 amended by adding a subdivision to read:  
 1.14 Subd. 12. [TWIN CITIES NONATTAINMENT AREA FOR CARBON  
 1.15 MONOXIDE.] "Twin Cities nonattainment area for carbon monoxide"  
 1.16 means the areas in the counties of Anoka, Carver, Dakota,  
 1.17 Hennepin, Ramsey, Scott, Washington, and Wright which have been  
 1.18 designated as nonattainment for carbon monoxide by the United  
 1.19 States Environmental Protection Agency as of January 1, 1999.  
 1.20 Sec. 2. Minnesota Statutes 1998, section 116.61,  
 1.21 subdivision 1, is amended to read:  
 1.22 Subdivision 1. [REQUIREMENT.] (a) Except as ~~described~~  
 1.23 provided in subdivision subdivisions 1a and 3, each motor  
 1.24 vehicle registered to an owner residing in the metropolitan area  
 1.25 and each motor vehicle customarily domiciled in the metropolitan  
 1.26 area but exempt from registration under section 168.012 or  
 1.27 473.448 must be inspected annually for air pollution emissions  
 1.28 as provided in sections 116.60 to 116.65.  
 2.1 (b) The inspections must take place at a public or fleet  
 2.2 inspection station. The inspections must take place within 90  
 2.3 days prior to the registration deadline for the vehicle or, for  
 2.4 vehicles that are exempt from license fees under section 168.012  
 2.5 or 473.448, at a time set by the agency.  
 2.6 (c) The registration on a motor vehicle subject to  
 2.7 paragraph (a) may not be renewed unless the vehicle has been  
 2.8 inspected for air pollution emissions as provided in sections  
 2.9 116.60 to 116.65 and received a certificate of compliance or a  
 2.10 certificate of waiver.  
 2.11 Sec. 3. Minnesota Statutes 1998, section 116.61, is  
 2.12 amended by adding a subdivision to read:  
 2.13 Subd. 3. [TERMINATION OF TESTING  
 2.14 REQUIREMENT.] Notwithstanding subdivision 1, a motor vehicle is  
 2.15 not required to be inspected annually for air pollution  
 2.16 emissions on or after March 1, 2000, or on or after the first  
 2.17 day of the second month following the month a notice is  
 2.18 published in the Federal Register by the United States  
 2.19 Environmental Protection Agency redesignating the Twin Cities  
 2.20 nonattainment area for carbon monoxide to attainment for carbon

2.21 monoxide, whichever is earlier.

2.22 Sec. 4. Minnesota Statutes 1998, section 116.62,  
2.23 subdivision 2, is amended to read:

2.24 Subd. 2. [CRITERIA AND STANDARDS.] (a) The agency shall  
2.25 adopt rules for the program under chapter 14 establishing  
2.26 standards and criteria governing the testing and inspection of  
2.27 motor vehicles for air pollution emissions.

2.28 (b) The rules must specify maximum pollutant emission  
2.29 levels for motor vehicles, giving consideration to the levels of  
2.30 emissions necessary to achieve applicable federal and state air  
2.31 quality standards. The standards may be different for different  
2.32 model years, sizes, and types of motor vehicles, except that the  
2.33 standards must be based on the year of the chassis of the motor  
2.34 vehicle, and not the year of the engine of the motor vehicle.

2.35 (c) The rules must establish testing procedures and  
2.36 standards for test equipment used for the inspection. The test  
3.1 procedures or procedures producing comparable results must be  
3.2 available to the automobile pollution equipment repair  
3.3 industry. The test equipment used for the inspection or  
3.4 comparable equipment must be available to the repair industry on  
3.5 the open market.

3.6 (d) The rules must establish standards and procedures for  
3.7 the issuance of licenses for fleet inspection stations.

3.8 (e) The rules must establish standards and procedures for  
3.9 the issuance of certificates of compliance and waiver.

3.10 Sec. 5. Minnesota Statutes 1998, section 116.62,  
3.11 subdivision 3, is amended to read:

3.12 Subd. 3. [PUBLIC INSPECTION STATIONS; CONTRACT.] (a) The  
3.13 program shall provide for the inspection of motor vehicles at  
3.14 public inspection stations. The number and location of the  
3.15 stations must provide convenient public access.

3.16 (b) The agency shall contract with a private entity for the  
3.17 design, construction, equipment, establishment, maintenance, and  
3.18 operation of the public inspection stations and the provision of  
3.19 related services and functions. The contractor and its officers  
3.20 and employees may not be engaged in the business of selling,  
3.21 maintaining, or repairing motor vehicles or selling motor  
3.22 vehicle replacement or repair parts, except that the contractor  
3.23 may repair any motor vehicle owned or operated by the  
3.24 contractor. The contractor's employees are not employees of the  
3.25 state for any purpose. In evaluating contractors, the agency  
3.26 shall consider the contractors' policies and standards on  
3.27 working conditions of employees. ~~Contracts must require the~~  
3.28 ~~contractor to operate the public inspection stations for a~~  
3.29 ~~minimum of five years and may provide for equitable~~  
3.30 compensation, from the vehicle emission inspection account  
3.31 established by section 116.65, for capital costs and other  
3.32 appropriate expenditures to the contractor, as determined by the  
3.33 agency.

3.34 (c) A public inspection station shall inspect and reinspect  
3.35 motor vehicles in accordance with the agency rules and  
3.36 contract. The inspection station shall issue a certificate of  
4.1 compliance for a motor vehicle that has been inspected and  
4.2 determined to comply with the standards and criteria of the  
4.3 agency adopted under this section. If a certificate of  
4.4 compliance cannot be issued, the inspection station shall  
4.5 provide a written inspection report describing the reasons for  
4.6 rejection and, when appropriate, the repairs needed or likely to  
4.7 be needed to bring the vehicle into compliance with the  
4.8 standards and criteria.

4.9 (d) The agency shall develop a means of responding to  
4.10 inquiries from members of the public about the current status of  
4.11 a motor vehicle under the program, including the last date of  
4.12 inspection, certification of compliance, and the terms under

4.13 which a certificate of waiver has been issued. The agency shall  
 4.14 ensure in its public information program that the public is  
 4.15 aware of this service. The agency may contract for the  
 4.16 provision of this service.

4.17 (e) The agency shall not enter into any contract under this  
 4.18 section, or renew any contract previously entered into under  
 4.19 this section, that provides for the operation of public  
 4.20 inspection stations on or after March 1, 2000, or on or after  
 4.21 the first day of the second month following the month a notice  
 4.22 is published in the Federal Register by the United States  
 4.23 Environmental Protection Agency redesignating the Twin Cities  
 4.24 nonattainment area for carbon monoxide to attainment for carbon  
 4.25 monoxide, whichever is earlier.

4.26 Sec. 6. Minnesota Statutes 1998, section 116.62,  
 4.27 subdivision 5, is amended to read:

4.28 Subd. 5. [CERTIFICATES OF WAIVER.] (a) A certificate of  
 4.29 waiver, valid for one year, must be issued for a motor vehicle  
 4.30 following inspection if:

4.31 (1) a low emissions adjustment has been performed on the  
 4.32 vehicle, following inspection and within 90 days prior to the  
 4.33 renewal of registration, and

4.34 ~~(2) either the estimated cost of repairs and adjustments~~  
 4.35 ~~necessary to bring the vehicle into compliance with emissions~~  
 4.36 ~~standards or the actual cost of repairs already performed on a~~  
 5.1 vehicle in accordance with the inspection report under  
 5.2 subdivision 3 exceeds the repair cost limit.

5.3 (b) The following costs may not be considered in  
 5.4 determining eligibility for waiver under paragraph (a): costs  
 5.5 for repairs made under warranty and costs necessary to repair or  
 5.6 replace any emission control equipment that has been removed,  
 5.7 dismantled, tampered with, misfueled, or otherwise rendered  
 5.8 inoperative in violation of section 325E.0951.

5.9 (c) The repair cost limit is \$75 for vehicles manufactured  
 5.10 before the 1981 model year, and \$200 for vehicles manufactured  
 5.11 in the 1981 model year and after.

5.12 (d) A temporary certificate of waiver, valid for not more  
 5.13 than 30 days, may be issued to a vehicle to allow time for  
 5.14 inspection and necessary repairs and adjustments.

5.15 Sec. 7. Minnesota Statutes 1998, section 116.62, is  
 5.16 amended by adding a subdivision to read:

5.17 Subd. 10. [NOTICE OF PROCEDURES FOR WAIVER AND EXTENSION.]  
 5.18 The agency shall provide to the operator of a motor vehicle  
 5.19 which fails an annual inspection, at the time the inspection is  
 5.20 completed, information on: (1) procedures for obtaining a  
 5.21 certificate of waiver or a certificate of temporary extension of  
 5.22 the time period for meeting inspection requirements; (2) the  
 5.23 criteria for obtaining a certificate of waiver or extension; and  
 5.24 (3) the term of any certificate of waiver or extension. The  
 5.25 agency may contract for the provision of this service.

5.26 Sec. 8. Minnesota Statutes 1998, section 116.63,  
 5.27 subdivision 4, is amended to read:

5.28 Subd. 4. [FALSE REPAIR COSTS.] A person may not provide  
 5.29 false information to a public inspection station or the agency  
 5.30 about ~~estimated or~~ actual repair costs or repairs needed to  
 5.31 bring a motor vehicle into compliance with the standards of the  
 5.32 agency. A person may not claim an amount spent for repair if  
 5.33 the repairs were not made or the amount not spent.

5.34 Sec. 9. [PROHIBITION ON FEE INCREASE.]

5.35 The pollution control agency must not impose any  
 5.36 additional, nor collect any increase in, fees from stationary  
 6.1 sources, stationary emission facilities, or stationary emissions  
 6.2 units to offset or recover any reduction in the aggregate amount  
 6.3 of fees collected under the vehicle inspection program before  
 6.4 fiscal year 2001.

- 6.5 Sec. 10. [REPEALER.]
- 6.6 (a) Minnesota Statutes 1998, sections 116.60; 116.61;
- 6.7 116.62; 116.63; and 116.64, are repealed.
- 6.8 (b) Minnesota Statutes 1998, section 116.65, is repealed.
- 6.9 Sec. 11. [EFFECTIVE DATE.]
- 6.10 Sections 4, 6, 7, and 8 are effective December 1, 1999.
- 6.11 Section 10, paragraph (a), is effective March 1, 2000. Section
- 6.12 10, paragraph (b), is effective June 1, 2000.
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