

## **OPEN BURNING**

### **§ 91.40 OPEN BURNING RESTRICTED; GENERAL PROHIBITIONS.**

(A) It shall be unlawful at all times to cause, suffer or allow any open burning at any place within the city, except as permitted herein; provided, no person shall cause, suffer, allow or permit the emission into the atmosphere of any product as allowed therein in such quantities as to cause annoyance or constitute a nuisance so as to interfere with the health or well-being of any individual in his or her home, or place of employment or recreation, or as to interfere with the normal use and enjoyment of any such place.

(B) The burning of leaves and garbage is expressly prohibited.

(C) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds or air stagnation.

Penalty, see § 91.99

### **§ 91.41 LIMITED BURNING FOR SPECIAL PURPOSES.**

Open burning which does not create a nuisance or a fire hazard and which is attended by a responsible person at all times until completely extinguished is allowed for the following purposes.

(A) *Open burning of wood products only.*

(1) Ceremonial fires and bonfires. A bonfire in connection with a religious ceremony, school pep rallies, scouting activities and similar purposes; and

(2) Camp fires and fires for cookouts.

(B) *Open burning of agriculture waste.*

(1) Open burning of vegetative matter grown on the premises in the course of agricultural operations, when it can be shown that such open burning is necessary and that no fire hazard will occur; provided, the person intending to dispose of vegetative matter by open burning obtains approval from the local Fire Chief or Police Department which has jurisdiction.

(2) Any burning of agricultural waste permitted under the provision of this section shall be allowed only between the hours of 10:00 a.m. and 6:00 p.m., and only at times when the actual National Weather Service recorded wind speed is greater than five mph and less than 20 mph. Such fires shall consist of vegetative matter only.

(C) *Stoves for heating and fireplaces.* Fires shall be permitted in wood stoves for heating and fireplaces if such fire does not create an air pollution problem or a fire hazard.

### **§ 91.42 EMERGENCY BURNING.**

(A) The City Council may allow emergency burning of petroleum products, high explosives or other dangerous materials where such fires are properly controlled by a responsible person and are deemed necessary in the public interest.

(B) The City Council may allow open burning of refuse consisting of material resulting from a disaster if the City Council has declared such a disaster in the corporate limits of the city.

### **§ 91.43 LIABILITY.**

(A) Any person who allows the accumulation or existence of combustible material which constitutes or contributes to a fire shall not be excused from responsibility therefore on the basis that such fire was accidental or an act of God.

(B) The person in possession of property where open burning in violation of this subchapter and its regulations occurs, shall be prima facie liable for the violation.

### **§ 91.44 ENFORCEMENT OF OPEN BURNING.**

The open burning provisions of this subchapter are enforceable by the law enforcement officers, within the corporate limits of the city, acting on his or her own initiative or at the request of the Fire Department or the City Council.

### **§ 91.99 PENALTY.**

(A) (1) Whoever violates any of the provisions of this chapter or fails to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certification or permit issued thereunder, shall for each and every such violation and non-compliance respectively, be fined not less than \$10, nor more than \$2,500.

(2) The imposition of a penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and, when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(3) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(Prior Code, § 91.99)

(B) Whoever violates any provision of §91.11 of this chapter shall, upon conviction, be fined not more than \$100.

(C) Whoever violates any provision of §91.12 of this chapter shall, upon conviction, be fined not less than \$10 and not more than \$100.

(Ord. 1991-8, passed - -1991; Ord. 2007-4, passed 6-19-2007; Ord. 2007-6, passed 7-17-2007)