

## Chapter 8.15 BURNING AND BURN PERMITS

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### 8.15.010 Purpose.

The purpose of this Chapter is to regulate the burning of material in order to protect the public safety, health, welfare and the environment for the people of the Municipality.

### 8.15.020 Definitions.

The following words, terms, and phrases when used in this chapter shall have the meanings ascribed to them in this section, except where the context specifically indicates a different meaning:

- (1) Open burning means a fire from which the products of combustion are emitted directly into the open air without passing through a stack or chimney.
  - (2) Recreational burning means a small outdoor fire intended for recreation, heating or cooking, but not for disposal of waste wood or refuse.
  - (3) Clean wood means wood that has not been painted, varnished, coated, or pressure treated, and is in its natural state, without containing resins or glues, such as in plywood or other composite wood products.
  - (4) Demolition waste means waste materials including but not limited to waste, shingles, insulation, wood that is not clean wood, wiring, plastics, packaging and rubble that results from construction, remodeling, repair, and demolition operations on a residential, commercial or industrial building or other structure.
  - (5) Refuse means waste generated from sources other than demolition waste, including household and hazardous material, but excluding yard waste.
  - (6) Yard waste means natural and unmodified vegetative material , including brush, stumps, leaves, and grass clippings.
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- (7) Recreational wood burning unit means a portable wood burning device, including but not limited to a chimenea or patio warmer.
- (8) Recreational fire burn ring means a metal, stone or concrete ring on the ground (fire pit) not to exceed 3' in diameter for the purpose of outdoor recreational burning.
- (9) Townsite means the residential, commercial, industrial and institutional land developed between the National Weather Service, Kaminista Quarry, the municipal watershed, East Landing and the area surrounding the municipal water tanks.
- (10) Nuisance means a condition of property or course of conduct that interferes with the legal rights of others, including by causing damage, annoyance, inconvenience, endangering the health, safety and welfare of another, or interfering with another's property rights or the environment.

#### 8.15.030 Open Burning.

This Chapter governs all burning within the Townsite.

#### 8.15.040 Burning of Garbage or Hazardous Materials.

It is unlawful for any person to burn any materials besides clean wood and yard waste within the Townsite.

#### 8.15.050 Burning Outside Townsite.

Burning anything outside the Townsite does not require a permit but notification to Public Safety is encouraged. Residents are always encouraged to use historical bonfire sites to limit damage to the land and environment, and to properly dispose of waste.

#### 8.15.060 Recreational Fires.

Recreational fires in the Townsite on private property are subject to the following restrictions:

- (a) A recreational wood burning unit or recreational fire burn ring:
  - (1) Shall only be used to burn clean wood or yard waste. Burning of any other material, including but not limited to demolition waste, refuse, or hazardous materials is prohibited.
  - (2) Shall be located at least fifteen (15) feet from any structure and any potential fire hazard, which could cause a fire to spread within fifteen (15) feet of a structure shall be eliminated prior to ignition.
  - (3) Shall be installed on soil, sand, or gravel, and have a minimum of 10 feet of clearance around the fire, free of any combustible materials.
  - (4) Shall not be used in a manner that causes a nuisance, including but not limited to through offensive or objectionable smoke or odor emissions.
  - (5) Shall not be used during windy conditions.
- (b) In addition to the restrictions in subsection (a), while there is any burning, the recreational wood burning unit or recreational fire burn ring must be:

- (1) Attended to at all times by at least one (1) adult with a blood alcohol content of less than 0.08%.
- (2) Located adjacent to a supply of water sufficient to completely extinguish the fire.

8.15.070 Burn permit.

- (a) A burn permit is obtained and approved by the City's Department of Public Safety prior to ignition of a recreational fire within the Townsite. If the recreational fire is not on property of the individual with the burn permit, written permission from the property owner is required.
- (b) All conditions of the burn permit shall be followed by the permittee. The Fire Chief or designee is authorized to order the extinguishment by the attendee or the fire department of open burning which creates a hazard or constitutes a nuisance.
- (c) Revocation of burn permit.
  - (1) A permit may be revoked immediately in the event of a life-safety concern, or in the event a violation is not immediately cured. Upon revocation, the City may temporarily suspend the permit holder's right to apply for a new permit for a period not to exceed one (1) year, depending on the severity of the violation.

8.15.080 Burn ban.

Fire officials may close an area inside or outside of the Townsite to burning due to environmental conditions, including but not limited to weather events, or for public health and safety. It is the obligation of individuals to check for any burn bans or other restrictions issued by the Public Safety Department prior to engaging in any burning.

8.15.090 Compliance requirement.

All persons engaging in or attending a burning are required to comply with the provisions of this Chapter.

11.05.050 Failure to comply.

Any person who willfully fails, neglects, or refuses to comply with the provisions of this Chapter, upon conviction, is guilty of a Level II City offense and is punishable as set forth in CCO 9.05.020.

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