

ARTICLE III. CONTROL OF AIR POLLUTION FROM OUTDOOR BURNING

Sec. 9-25. Purpose.

It is the purpose of this section to control outdoor burning of waste or other combustible material.

(Ord. No. 2610, 7-12-99)

Sec. 9-26. Outdoor burning prohibited.

No person shall cause or allow the outdoor burning of waste material or other combustible material on any property owned by him or under his control except as provided in section 9-27 below.

(Ord. No. 2610, 7-12-99)

Sec. 9-27. Exceptions to prohibition against outdoor burning.

Outdoor burning of waste material or other combustible material may be conducted in the situations enumerated below if no public nuisance is or will be created and if the burning is not prohibited by and is conducted in compliance with other applicable laws and with regulations and orders of governmental entities having jurisdiction, including air control regulations and orders. The authority to conduct outdoor burning under this regulation does not exempt or excuse the person responsible from the consequences of or the damages or injuries resulting from the burning.

- (a) Outdoor burning in connection with the preparation of food.
- (b) Campfires and fires used solely for recreational purposes or for ceremonial occasions.
- (c) Small fires, by tradesmen and contractors, in such activities as street repair, installation or repair of sewer, water, electric, telephone mains, and services.
- (d) The operation of contrivances using open flames such as welding torches, blow torches, portable heaters, and other flame-making devices.
- (e) Outdoor burning, in other than a rural park or rural recreation area, of trees, brush, grass, and other vegetable matter from such area in land clearing and right-of-way maintenance operations if the following conditions are met:

1. The location of the burning must be at least one thousand (1000) feet (305 meters) from any dwelling other than a dwelling or structure located on the property on which the burning is conducted;
2. Care must be used to minimize the amount of dirt on the material being burned;
3. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned, nor may these substances be used to start a fire;
4. The burning may be conducted only between the hours of 8 a.m. and 5 p.m. Piles of combustible material should be of such size to allow complete reduction in this time interval;
5. The burning must be controlled so that a traffic hazard is not created.
6. Prevailing winds at the time of burning must be away from populated portions of the city limits, the ambient air of which may be affected by smoke from the burning.
7. Outdoor burning for commercial purposes that do not meet subsections 1 through 6, where it is necessary for land development or improvements and the burning of trees, brush, grass or other vegetable matter that has grown on the property shall be executed through a special permit granted by the fire chief and will require physical supervision by paid fire personnel as well as special instructions as to the burning process with a cost assessed to the person permitted to burn. This special permit can be revoked at anytime as deemed necessary to maintain safety and security to the area and to the public.

(f) Fire purposely set as a part of an organized program of drills for the training of fire fighting personnel or for testing fire fighting materials or equipment if the following conditions are met:

1. The duration of the burning held to the minimum required for such purposes.
2. The burning is conducted only between the hours of 8:00 a.m. and 5:00 p.m.
3. The burning is controlled so that a traffic hazard is not created.

(Ord. No. 2610, 7-12-99; Ord. No. 2775, 1-12-04)

Sec. 9-28. Violations.

(a) Any person who shall violate any of the provision of this article or fail 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 certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the mayor and councilmen or by a court of competent jurisdiction, shall severally for each and every such

violation and noncompliance, respectively, be guilty of a misdemeanor and punishable as provided in section 1-11. The imposition of one penalty for any violation shall not excuse the violation or permit it to continued and all such persons shall be required to correct or remedy such violation or defect.

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

(Ord. No. 2610, 7-12-99)