



### **105.05 OPEN BURNING RESTRICTED.**

No person shall allow, cause or permit open burning of combustible materials where the products of combustion are emitted into the open air without passing through a chimney or stack, except that open burning is permitted in the following circumstances:

1. Disaster Rubbish.

The open burning of rubbish and landscape waste created by a disaster in the City but only for the duration of the official community disaster period as declared by the Mayor.

2. Recreational Fires and Fire Pits.

Open fires for cooking, heating and recreation (e.g., small campfires).

A. Such fires shall not cause a nuisance to the public.

B. Such fires shall be constantly attended and supervised by a person 18 years or older until the fire has been completely extinguished. A portable fire extinguisher with a minimum 4-A rating or garden hose must be readily available.

C. Only dry seasoned natural firewood or commercial logs may be burned. Burning of rubber tires, lumber, pallets, scrap wood, green wood, tree trimmings with leaves, leaves, yard waste, paper, cardboard, garbage and other refuse is not permitted.

D. The pile size of the dry seasoned natural firewood or commercial logs cannot exceed three feet in diameter and two feet in height.

E. All open fires shall be performed in an approved container constructed of steel, brick or masonry or in below ground fire pits.

F. Portable fire pits and portable fireplaces shall be used in accordance with the manufacturer's specifications and these regulations. Portable fire pits and portable fireplaces must have a screen and a cover to prevent flying embers. Portable fire pits and portable fireplaces shall not be located less than 15 feet away from any structures or combustible materials, or on any paved or surfaced street, alley, or sidewalk.

G. Below ground fire pits shall be at least four inches in depth and shall be surrounded on the outside, above ground, by a noncombustible material such as steel, brick, or masonry. Below ground fire pits shall have a cover to prevent flying embers. Below ground fire pits shall not be located less than 25 feet away from any structures or combustible materials.

H. No burning is permitted if wind speeds exceeds (15) mph.

3. Ceremonial Fires.

Generally larger fires for ceremonies or events.

A. Ceremonial fires require written permission of the Fire Chief and payment of the permit fee. The permit shall include a specific date and time period for the ceremonial fire.

B. Any person interested in conducting a ceremonial fire shall submit an application to the Fire Chief a minimum of fourteen (14) days in advance of the proposed date for the ceremonial fire.

C. Such fires shall not cause a nuisance to the public.

D. Such fires shall be constantly attended and supervised by a person 18 years or older until the fire has been completely extinguished. A portable fire extinguisher with a minimum 4-A rating or garden hose must be readily available.

E. Only dry seasoned natural firewood or commercial logs may be burned. Burning of rubber tires, lumber, pallets, scrap wood, green wood, tree trimmings with leaves, leaves, yard waste, paper, cardboard, garbage and other refuse is not permitted.

F. The fire shall not be located less than 50 feet away from any structures or combustible materials and no less than 25 feet from any property lines. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

4. Training Fires.

Fires set for the purpose of bona fide training of public employees and/or members of the fire department in firefighting methods, provided that the Fire Chief has received a written request and has granted permission for such burning.

5. Native Prairie Burns.

Sites that are dominated by native prairie species or have been planted to native prairie species. Weedy sites may be burned in which prairie species have been planted but are not yet dominant.

A. Any person interested in conducting a native prairie burn shall submit an application to the Fire Chief a minimum of fourteen (14) days in advance of the proposed burn.

B. The Fire Chief shall ensure that persons conducting the native prairie burns possess the experience and training necessary to conduct such burning safely.

C. The Fire Chief shall approve sites, dates and times for the burning to occur.

D. The Fire Chief shall develop posting and notification requirements.

E. All the following conditions must be met:

(1) Full compliance with all state and county laws, regulations and rules;

(2) Full compliance with prairie burn standards set by the Fire Chief; and

(3) Issuance of a permit by the Fire Chief, subject to any conditions and limitations set by the Fire Chief.

F. Any owner who burns prairie sites as permitted by this section shall be fully responsible for conducting the open burning safely and in accordance with applicable fire department, city, county and state standards at all times; shall be liable for any damages to persons or property that arise from the open burning; and shall hold the City harmless for any such damages.

6. Extinguishment Authority.

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Fire Chief is authorized to order the extinguishment of the open burning operation.

7. Fees.

Permit fees for ceremonial burns and prairie burns shall be set by resolution of the City Council.

*(Ord. 2019-05 - May 19 Supp.)*