

ORDINANCE NO. 2169

AN ORDINANCE REGULATING OPENING BURNING, BONFIRES, RECREATIONAL FIRES AND OUTDOOR FIREPLACES WITHIN THE CITY OF COUNCIL GROVE, KANSAS AND WITHIN THE COUNCIL GROVE LAKE PARK.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF COUNCIL GROVE, KANSAS:

Section 1. PURPOSE. The purpose of this ordinance is to establish standards of public health, safety and welfare for open burning, bonfires, recreational fires and outdoor fireplaces within the corporate limits of Council Grove, Kansas and within the Council Grove Lake Park. This ordinance is not intended to apply to incinerators, barbeque grills or outdoor furnaces.

Section 2. DEFINITIONS.

- A. **Bonfire:** An outdoor fire used for ceremonial purposes. A recreational fire that has a total fuel load of more than 3 feet in diameter or 2 feet in height is classified as a bonfire.
- B. **Fire Pit:** A barrier having an inside dimension of 4 feet or less in diameter or inside length and width dimensions of 4 feet or less; designed and installed to contain a recreational fire. Fire pits may be constructed of steel, brick, concrete, clay or other noncombustible material.
- C. **Open Burning:** The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include recreational fires, fire pits, outdoor fireplaces or road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.
- D. **Outdoor Fireplace:** An enclosed and permanently affixed outdoor fire receptacle, which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry.
- E. **Portable Outdoor Fireplace:** A portable, outdoor, solid-fuel-burning fire receptacle that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fire receptacle may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- F. **Recreational Fire:** An outdoor fire where the fuel being burned is not contained in an outdoor fireplace, portable outdoor fireplace, outdoor furnace, barbeque grill or incinerator; has a total fuel load of 3 feet or less in diameter and 2 feet or less in height; for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
- G. **Combustible Waste Material:** Wastepaper, cardboard, hay, straw, weeds, litter, rubbish, trash and construction (C & D) debris.

Section 3. PROHIBITED BURNING. No person, firm or corporation shall authorize or permit the kindling or maintenance of any fires for burning the following:

- A. Hazardous material or dangerous goods.
- B. Combustible waste material.

- C. Treated or painted lumber.
 - D. Materials containing hydrocarbons, rubber, grease, asphalt, shingles or items made from petroleum, such as tires, auto parts, plastics or plastic-coated wire.
 - E. Garbage, including wastes from food processing, handling, preparation or consumption.
 - F. Slimes, manure and garden refuse.
 - G. Carcasses of dead animals.
 - H. Any material that generates black smoke or offensive odor.
- Section 4. BONFIRES AND OPEN BURNING.
- A. No person, firm or corporation shall authorize or permit the kindling or maintenance of any bonfires or open burning of any material without first obtaining a burning permit from the City Clerk.
 - B. If a burning permit is issued by the City Clerk, it will be under such terms as may be set out in the burning permit.
 - C. The burning permit is not valid until a police officer or city code enforcement officer has inspected and/or approved the burning site and the burning permit fee has been paid.
 - D. The location for burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. Exception: The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.
 - E. When a burning permit is issued, the person issued the burning permit is to notify the Police Department of the day and the time of day the burning is to be conducted.
 - F. Burning shall not be conducted during windy conditions or when banned by local, county or state officials.
- Section 5. RECREATIONAL FIRES.
- A. A burning permit is not required for a recreational fire.
 - B. The only permitted fuels are charcoal, seasoned wood, manufactured fire logs, natural gas or LP gas.
 - C. Recreational fires shall be contained in a fire pit and have a total fuel area of 4 feet or less in diameter.
 - D. Recreational fire fuel load shall be 3 feet or less in diameter and 2 feet or less in height.
 - E. Recreational fires shall be clear of overhangs, such as tree branches and utility lines.
 - F. Recreational fires shall not be conducted within 25 feet of a structure or combustible material.
 - G. Recreational fires shall not be conducted within 15 feet of a property line.
 - H. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
 - I. Burning shall not be conducted during windy conditions or when banned by local, county or state officials.

- J. Recreational fires shall be extinguished if smoke causes an unreasonable interference with the use and enjoyment of another person's property.

Section 6. PORTABLE OUTDOOR FIREPLACES.

- A. A burning permit is not required for a portable outdoor fireplace.
- B. Portable outdoor fireplaces shall be used in accordance with the manufacturer's specifications, instructions and safety guidelines.
- C. Portable outdoor fireplaces shall not be operated within 15 feet of a property line, structure or combustible material.
- D. Portable outdoor fireplaces shall not be placed on combustible decks or apartment balconies.
- E. Ashes shall be discarded in a noncombustible container and kept outside of any structure.

Section 7. ATTENDANCE.

- A. Open burning, bonfires, recreational fires and outdoor fireplaces shall be constantly attended and supervised by a competent adult until the fire is extinguished.
- B. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section 8. EXTINGUISHMENT AUTHORITY. A fire official, police officer or city code enforcement officer are authorized to order the permit hold, or the person responsible for the fire, to extinguish the fire if the burning creates or adds to a hazardous or objectionable situation.

Section 9. VIOLATIONS AND PENALTIES. Any person violating any provision of this article shall be deemed guilty of a code violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250.00.

Section 10. REPEAL. This ordinance repeals Ordinance No. 1843 and any other ordinances in conflict with this ordinance.

Section 11. EFFECTIVE DATE. This ordinance shall take effect and be in full force from and after its publication in the official city newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY OF THE CITY COUNCIL ON THIS 6th day of October, 2015.


Steven Shepard, Mayor

ATTEST:


Danny Matthews
City Clerk

(SEAL)

