

## ARTICLE III. - OPEN BURNING

## Sec. 42-70. - Definitions.

*Barbecue pit* means an outdoor pit used for cooking food located in the soil with a minimum depth of one (1) foot and no more than three (3) feet in diameter, is at least ten (10) feet away from any adjacent structure and is not for the purpose of burning refuse.

*Recreational fire (campfire)* means a fire located in a pit dug in the soil with a minimum depth of one (1) foot and no more than three (3) feet in diameter, and at least ten (10) feet away from any adjacent structure and is not for the purpose of burning refuse.

(Ord. No. 98-03, § 1, 6-15-98)

## Sec. 42-71. - Penalty.

Any person violating this article is guilty of a misdemeanor and shall be punished as provided in section 1-14.

(Ord. No. 4-91, § 2, 4-1-91)

## Sec. 42-72. - Unlawful conditions.

It shall be unlawful for any person owning or occupying any lot or premises in the city to permit any open fire thereon at a time or place or under conditions which might cause the fire to spread beyond the confines of the intended burning.

(Ord. No. 4-91, § 1(1), 4-1-91)

## Sec. 42-73. - Attendance of fires.

Any person owning or occupying any lot or premises in the city who shall permit an open fire thereon shall have some person in attendance of the fire at all times during the burning.

(Ord. No. 4-91, § 1(2), 4-1-91)

## Sec. 42-74. - Fire spreading beyond control; payment of fire department costs; liability.

- (a) If any open fire spreads beyond the confines of the intended burning, and if the fire department is called to assist in fighting the fire, the person owning or occupying the lot or premises which permitted such open fire to start shall be obligated to pay to the city the costs of the fire department in the amount of \$500.00.
- (b) Payment of the costs of the fire department shall in no way relieve the person from liability for any damage caused by the fire.

(Ord. No. 4-91, § 1(3), (4), 4-1-91; Ord. No. 95-01, 7-17-95)

## Sec. 42-75. - Rules for conducting open burning.

Open burning except for cooking purposes (which would include gas and charcoal grills) only outside of a building or structure in the city shall be done in accordance with the following rules and regulations:

- (1)

No burning shall be caused, permitted or allowed to be done within 15 feet of an existing structure, nor within three feet of any paved and/or hard-surfaced street, alley or boulevard within the city.

- (2) No burning shall be caused, permitted or allowed to be done except on the days of Tuesday, Thursday and Saturday of any week.
- (3) No burning shall be caused, permitted or allowed to be done except during the hours of 8:00 a.m. to 8:00 p.m., Tuesdays, Thursdays and Saturdays of any week.
- (4) No burning shall be caused, permitted or allowed to be done unless under the charge or supervision of a person of mature years and discretion.
- (5) No burning shall be caused, permitted or allowed to be done at any time or place when wind conditions will create or be apt to create a nuisance to anyone or the property of anyone in the vicinity, or be a danger to the property of any person in the vicinity.
- (6) No burning shall be caused, permitted or allowed to be done where its maximum size is not controllable by one person of mature years and discretion.
- (7) No burning shall be caused, permitted or allowed at any other date or time of day unless a special permit for burning is first secured from the fire chief of the city. This allowance will apply to the city itself when the need arises to burn at any given time and date.
- (8) Recreational fires (campfires) shall be allowed from 8:00 a.m. to 1:00 a.m. in accordance with the remainder of this ordinance. Such fires shall burn only unprocessed wood. Recreational fires shall be permitted on private property, so long as such fire does not present a fire hazard. A recreational fire shall be constantly attended by a competent adult of eighteen (18) years or older and shall be completely extinguished before being left alone.

(Ord. No. 4-91, § 1(5), 4-1-91; Ord. No. 98-03, § II, 6-15-98)

**Cross reference—** Burning of accumulations, § 62-2.

Sec. 42-75.1. - Safety.

The fire chief may prohibit any and all campfires when atmospheric conditions or circumstances make such fire hazardous or when in the opinion of the fire chief, the campfire would constitute a fire hazard or will endanger the life or property of any person.

(Ord. No. 1998-03, § III, 6-15-98)

Sec. 42-76. - Starting fires by smoking.

It shall be unlawful for any person in smoking or attempting to light or to smoke a cigarette, cigar or pipe, to set fire to any bed, bedding, furniture, curtains or draperies in any hotel, motel, lodginghouse or tourist home in the city.

(Code 1979, § 9.179)

Sec. 42-77. - Blasting.

No person shall blast or carry on any blasting operation without first having obtained a written permit from the city manager. Before any such permit is issued, the applicant shall file with the city clerk a policy of insurance in the amount specified by the city manager as being reasonably commensurate with the risk of damage to property and injury or death to persons arising out of the proposed blasting operation. Such policy of insurance shall indemnify the applicant with respect to sums which the applicant shall become

obligated to pay by reason of the liability imposed upon him by law, for damages because of bodily injury, including death at any time resulting therefrom, or for damages to property, or both, sustained by any person or persons and arising out of the blasting operation.

(Code 1979, § 9.180)

Secs. 42-78—42-119. - Reserved.