

CHAPTER 5

OPEN BURNING

SECTION

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7-501. Purpose. The purpose of this chapter is to prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials and to assist the city in eliminating unlawful, unnecessary and indiscriminate burning.

7-502. Permit required, etc. (1) No open burning shall be permitted within the Town of _____ without a permit, except as provided in § 7-506.

(2) A permit may be issued at no charge pursuant to this chapter for the destruction of leaves, grass, and other natural vegetation which has been cut and stacked, or raked, as a result of single residential yard clean-up.

(3) All such permits shall be available for inspection throughout the period of time the permit is issued and the open burning is in progress.

7-503. Permit application. To obtain a permit required by this chapter, the applicant shall file an application with the recorder no more than twenty-four (24) hours before the fire, which shall include:

(1) The type of materials to be burned.

(2) The location of the fire.

(3) The individual(s) designated as being responsible for controlling the fire.

(4) A signed statement by the applicant stating that he or she will follow all outdoor burning regulations contained in this code, that no outdoor burning shall be left unattended or permitted later than one hour after sunset, and that protection against fire spread will be provided in a manner approved by the fire chief or his designee.

7-504. Authority to suspend permit/burning. (1) Regardless of any established permit period, the fire chief or his designee shall have the authority to forbid, restrict or suspend any and all burning or cancel any permit upon determining that weather or other conditions are unfavorable or hazardous for outdoor fires.

(2) The fire chief or his designee in granting or denying such permission, shall take into consideration the atmospheric conditions, the site of the proposed burning in relation to proximate structures, the availability of fire suppression equipment at the site, the attendance of a competent person during the burning, and any other local conditions that might make such a fire hazardous.

7-505. Compliance with chapter. (1) The person to whom the permit is issued shall be the person responsible for any consequences of action for any damages, injuries or claims resulting from such burning or for responsibility of obtaining any other permit that may be required.

(2) A garden hose and water supply or other fire extinguishing equipment

must be on hand and a competent person in constant attendance until all fire has been extinguished.

(3) The location of the fire shall not be less than 50 ft. from any structure and adequate provision shall be made to prevent fire from spreading within 50 ft. of any structure.

7-506. Exemptions. The following type of outdoor fires are exempt from the permit process:

- (1) Contained cooking fires;
- (2) Fire in outdoor fire pits or fireplaces;
- (3) Open fires for the training and instruction of fire fighting personnel;
- (5) Heating on construction projects, provided the burning is in a suitable metal container.

7-507. Unauthorized burning prohibited. The open burning of any garbage, trash, rubbish, construction debris, waste material, or any other type of combustible material by any person, firm or corporation is hereby prohibited, except as provided in this chapter.

7-508. Violation and penalty. The violation of any provision of this chapter is punishable under the general penalty provision of this municipal code. Each day a violation is allowed to continue shall constitute a separate offense.