

Sec. 16-7. Outdoor burning of rubbish and other materials.

(a) *Section to control.* All outdoor burning of rubbish and other material is controlled by this section.

(b) *Enforcement by fire chief.* The city fire chief or, in his absence, the person so appointed by him, shall administer the provisions of this section.

(c) *Approval and written permit required; exceptions.* Any burning of rubbish or other material requires approval from the fire chief and a written permit issued by him, except:

(1) Fires contained in a metal container or drum not exceeding 55-gallon liquid capacity, but the metal container must be located on clean mineral soil and/or noncombustible materials and must be located no less than 50 feet from any structure and/or adjoining property line. After the burning is completed, a proper lid must be placed on the container.

(2) Fires on open ground not exceeding 100 square feet in area.

(d) *Regulations and restrictions.* Any outdoor burning, including burning mentioned in subsection (c)(1) and (2) of this section, shall be subject to the following regulations and restrictions:

(1) The grantee of a burning permit or any other person responsible for the burning assumes all responsibility for any damage that may be caused by fire, smoke and heat, and, should the elements of fire be allowed to spread to lands or property of another, the grantee or person so responsible is subject to prosecution by the city fire chief.

(2) All burning must be accomplished between the hours of sunrise and sunset on the same day, and, should it become necessary to burn another day, then, in cases where a permit is required, a new permit must be obtained.

(3) No burning shall be accomplished within 50 feet of any structure, and adequate provisions shall be made to prevent fire from spreading to within 50 feet of any such structure.

(4) The grantee of a permit shall have fire extinguishing equipment readily available for use, and the city fire chief has the authority to determine if the equipment that is available is adequate for control of the fire. The city fire chief may require additional fire extinguishing equipment if he deems it necessary.

(5) All fires shall be constantly attended by a competent person until such fire is extinguished.

(6) The city fire chief, or his appointed representative, may extinguish or have extinguished any fire under the following conditions:

a. A permit, where required, has not been obtained, or any condition of this section has been violated.

b. Weather conditions such as dryness and/or high winds cause continuous burning to be hazardous.

c. The fire has spread beyond the limits of control or to lands or property of another.

d. The fire proves a nuisance to adjoining property owners.

(e) *Prohibited types of burning.* The following types of burning shall be prohibited:

(1) Tires, shingles or any other rubber or plastic-like material, or any material that produces foul or offensive smoke and products.

(2) Any flammable or combustible liquid including, but not limited to: gasoline, oil, kerosene, diesel fuel and solvents. A small amount of combustible liquid may be used to ignite permissible materials. Excessive use of combustible or flammable liquids for this purpose shall be prohibited.

(3) Any substance or material, as determined by the fire official, that may pose a health or safety hazard to persons and property.

(4) Normal household trash and garbage.

(f) *Applicability of section provisions.* The section shall be applicable to all areas within the city limits.

(Code 1977, § 9-7)