

ARTICLE 5.03 OUTDOOR BURNING\*

**Sec. 5.03.001 Scope**

The provisions of this article shall apply within the city limits (i.e., incorporated municipal boundary). (Ordinance 07-06-19A, sec. II(a), adopted 6/19/07)

**Sec. 5.03.002 General prohibition**

Unless specifically excepted from the requirement to obtain a permit by [section 5.03.004](#), no person shall cause, suffer, allow or permit any outdoor burning within the city limits without obtaining a burn permit from the city fire department. (Ordinance 07-06-19A, sec. II(b), adopted 6/19/07)

**Sec. 5.03.003 Definitions**

Acceptable cooking receptacles. Cooking or barbeque devices (whether these are stationary or portable) such as smokers, hibachis, or kivas. The fire chief of the city fire department has the authority to determine whether an item which is not listed under this definition is an acceptable cooking receptacle.

Extinguished. The absence of any visible flames, glowing coals, or smoke.

Requesting party. The person requesting the burn permit and the individual who is responsible for the burn; this may also be the property owner.

Structure containing a sensitive receptor(s). A manmade structure utilized for human residence or business, the containment of livestock, or the housing of sensitive live vegetation.

Sunrise/sunset. Official sunrise/sunset as set forth in the United States Naval Observatory tables available from the National Weather Service offices.

(Ordinance 07-06-19A, sec. II(c), adopted 6/19/07)

**Sec. 5.03.004 Exceptions to burn permit**

The following situations do not require a burn permit:

- (1) Fire department training fires within the requirements of the state law;
- (2) Fires within fireplaces;
- (3) Outside noncommercial cooking fires in acceptable cooking receptacles; or
- (4) Small warming fires within containers.

(Ordinance 07-06-19A, sec. II(d), adopted 6/19/07)

**Sec. 5.03.005 Permitting**

(a) A burn permit shall be requested and received prior to any outdoor burning. The burn permit shall be requested in writing from the fire department at least five (5) working days in advance of the requested burn date.

(b) The requesting party shall provide the following on their burn permit application:

- (1) The requestor's name;
- (2) The requestor's address;
- (3) The requestor's phone number;
- (4) The property owner of the proposed burn site's name and phone number (if this is different from the requesting party's);
- (5) The address of the proposed burn site;
- (6) The date requested for the burn; and
- (7) The time of the burn.

(c) Fire officials may inspect the site and conditions before either approving or disapproving the burn and shall notify the requesting party of their determination.

(d) If at any time the fire department determines that due to changing conditions or due to increased safety risks, the burn permit may be cancelled and/or order the requesting and/or responsible party to extinguish the fire. If the requesting and/or responsible party can not be located or refuses to extinguish the fire, the fire department is authorized to enter the property and extinguish the fire at the owner's expense.

(e) The city council is authorized to create and require the use of a form to facilitate requests for outdoor burning permits.

(Ordinance 07-06-19A, sec. II(e), adopted 6/19/07)

#### **Sec. 5.03.006 Requirements for outdoor burning**

(a) Fire officials may prohibit any outside fire when atmospheric and environmental conditions or local circumstances make such fires hazardous or unsafe regardless of whether a permit is required.

(b) All outdoor burning shall be limited to the burning of brush, grass, leaves, trees and vegetation that has been generated only from that property where the burn is to occur. Items that can not be burned include: household wastes or garbage, electrical insulation, treated lumber, plastics, nonwood construction/demolition materials, heavy oils, asphaltic materials, potentially explosive materials, chemical wastes, and items containing natural or synthetic rubber.

(c) All outdoor burning, regardless of whether a permit has been obtained, shall also be subject to the following requirements:

(1) Burning shall be commenced and conducted only when wind direction and other meteorological conditions are such that smoke and other pollutants will not cause adverse effects to any public road, landing strip, navigable water, or off-site structure containing sensitive receptor(s).

(2) If at any time the burning causes or may tend to cause smoke to blow onto or across a road or highway, it is the responsibility of the person initiating the burn to post flagpersons on affected roads and extinguish the fire.

(3) Burning must be conducted downwind of or at least 300 feet (90 meters) from any structure containing sensitive receptors located on adjacent properties unless prior written approval is obtained from the adjacent occupant with possessory control.

(4) Burning shall be conducted in compliance with the following meteorological and timing considerations:

(A) The initiation of burning shall commence no earlier than one hour after sunrise. Burning shall be completed on the same day not later than one hour before sunset, and shall be attended by a responsible party at all times during the active

burn. In cases where residual fires and/or smoldering objects continue to emit smoke after this time, such areas shall be extinguished. In no case shall the extent of the burn area be allowed to increase after this time.

(B) Burning shall not be commenced when surface wind speed is predicted to be less than six (6) miles per hour (mph) (five knots) or greater than 23 mph (20 knots) during the burn period.

(C) Burning shall not be conducted during periods of actual or predicted persistent low-level atmospheric temperature inversions.

(D) A means of fire control and extinguishment must be readily available on site at all times. Fifty-five gallon drums of water may be allowed if a water line is unavailable.

(E) Burning shall not endanger any other property or structure.

(Ordinance 07-06-19A, sec. II(f), adopted 6/19/07)

**Sec. 5.03.007 Liability**

(a) The authority to conduct outdoor burning under this regulation does not exempt or excuse any person responsible from the consequences, damages, or injuries resulting from the burning and does not exempt or excuse anyone from complying with all other applicable laws or ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this regulation.

(b) If the fire department determines that a burn is creating an unsafe condition and orders the responsible party to extinguish the burn and that party refuses to do so, the fire department is authorized to extinguish the burn. The fee for extinguishing that burn will be charged to the person who requested the burn permit. That fee will be calculated on a per hour basis for the cost of equipment and personnel. This fee is currently as provided for in the fee schedule found in the appendix of this code and shall be calculated in no less than one-half-hour increments.

(Ordinance 07-06-19A, sec. II(g), adopted 6/19/07; Ordinance adopting Code)

**Sec. 5.03.008 Penalty**

The penalty for violation of this article carries a fine not to exceed \$2,000.00. Each violation is a separate offense.

(Ordinance 07-06-19A, sec. II(h), adopted 6/19/07)