

ARTICLE II. – OPEN BURNING

Sec. 42-31. – Penalty

Any person who shall violate any of the provisions of this article shall, upon conviction thereof, be punished as provided in Section 1-15 of this Code.

(Comp. Ords. Rev. 2022, § 40.124)

Sec. 42-32. – Prohibited

- (A) No person or property owner shall allow the disposal of any leaves, rubbish, trash, treated wood, brush, garbage, food containers, or other combustible material whatsoever in any street, alley, private place, or public place by burning within the City.
- (B) A property owner shall be jointly and severally liable for the burning of any leaves, rubbish, trash, treated wood, brush, garbage, food containers, or other combustible material whatsoever on the property owned by him.
- (C) No incinerator shall be installed within the City without the prior approval of the City.

(Comp. Ords. Rev. 2022, § 40.121; Ord. No. 2005.05/366, 5-9-05)

Section 42-33. – Exceptions

This article is not intended to prohibit burning for the following purposes:

- (A) Recreational fires, as described herein:
 - (1) Recreational fires must be contained within a fire ring.
 - (a) Fire rings must be no more than three (3) feet in diameter.
 - (b) Fire rings must be made of metal, concrete, or brick or a pre-made upright ring/pit designed for the purpose of recreational fires.
 - (c) Fire rings must be at least twenty (20) feet from any structure or gasoline-powered vehicle. Combustibles must be maintained two (2) feet away from the fire ring.

- (d) Recreational fires must be attended at all times by a person eighteen (18) years of age or older.
- (2) The only material to be used as fuel for a recreational fire shall be firewood.
 - (a) Firewood shall be defined as dried natural wood.
 - (b) Firewood shall be size appropriate and shall be contained within the fire ring.
- (B) Outdoor fireplace structures or containers, as described herein:
 - (1) Outdoor fireplace structures or containers are defined as structures or containers that are specifically designed and constructed and/or manufactured for the sole purpose of functioning as an outdoor fireplace.
 - (a) Outdoor fireplace structures or containers must be constructed out of a fire-resistant material, such as metal, concrete, or brick or a pre-made upright ring/pit designed for the purpose of recreational fires.
 - (b) Fires in an outdoor fireplace structure or container may utilize the following fuel sources: firewood, charcoal, liquid propane, or natural gas.
 - (c) Fires in an outdoor fireplace structure or container shall not be used to burn leaves, rubbish, trash, treated wood, brush, garbage, food containers, or other combustible material.
 - (d) Fires in an outdoor fireplace structure or container must be at least twenty (20) feet away from any structure or gasoline-powered vehicle.
 - (e) Fires in an outdoor fireplace structure or container must be attended at all times by a person eighteen (18) years of age or older.

(Comp. Ords. Rev. 2022, § 40.122)