

City of Sedgwick  
City Council Meeting  
May 21, 2025

**TO:** Mayor and City Council

**SUBJECT:** Ord. 913 – Open Burn Ordinance

**INITIATED BY:** Fire Chief Hansen

**AGENDA:** New Business

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**Background:** The current open burn ordinance is antiquated and lacks definition of situations that have arisen in the past. The changes to the municipal code section regarding open burning allow for residents to have an open flame fire in approved containers, addresses flame height, nuisance smoke, what is to take place during a burn ban, bonfires, and prescribed burning. These changes better align us with how neighboring municipalities handle open burning within the county.

**Financial Considerations:** The proposed policy establishes the requirement for a burn permit to be issued for all open and recreational burns within the city limits. This change in policy has the potential to have a positive revenue return dependent on the issuance of permits.

**Recommendations/Actions:** It is recommended that the city council approve the ordinance as presented.

**Attachments:** Ordinance 913

THE CITY OF SEDGWICK, KANSAS

ORDINANCE NO. 913

AN ORDINANCE OF THE CITY OF SEDGWICK, KANSAS, AMENDING CHAPTER 7,  
ARTICLE 4, OF THE CODE OF ORDINANCES, CITY OF SEDGWICK, KANSAS,  
REGARDING OPEN BURNING WITHIN THE CITY LIMITS

**WHEREAS**, the City of Sedgwick, Kansas, has seen an increase in the number of citizens participating in open burns within city limits; and

**WHEREAS**, there have been an increasing number of incidences of the misuse of open burning; and

**WHEREAS**, the Code of Ordinances, City of Sedgwick, may be amended in the manner prescribed by Section 1-107 of the Code; and

**WHEREAS**, it is declared in the best interest of the citizens of Sedgwick, Kansas that Chapter 7, Article 4 of the Code of Ordinances, City of Sedgwick, Kansas, be amended accordingly.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS:

**SECTION 1:** Sections 7-401 through 7-405 of Chapter 7, Article 4, of the code of City of Sedgwick, Kansas, are hereby repealed.

**SECTION 2:** Chapter 7, Article 4, of the code of the City of Sedgwick is hereby amended to read as follows:

**7-401. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) "Burn Permit" means a written permit designed to license, specify, and document open burning as prescribed in Section 7-412.
- (b) "Fire Pit" means a barrier having an inside dimension of 4 feet or less in diameter or inside length and width dimensions of 4 feet or less, designed and installed to contain a recreational fire. Fire pits may be constructed of steel, brick, concrete, clay, or other noncombustible material as allowed by this section.
- (c) "Open burning" means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include recreational fires, fire pits, outdoor fire places or road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time of combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

- (d) "Premises" means the location of the proposed open burning and shall not include the interior of any residence or accessory structure.
- (e) "Recreational burning" means burning of outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fire place, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 ft. or less in diameter and 2.5 ft. or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
- (f) "Bonfire" means an outdoor fire used for ceremonial purposes with a fuel load of more than 3 feet in diameter or 2 feet in height.
- (g) "Prescribed burning" means any burning for the purpose of reducing the impact of wildland fire.
- (h) "NFPA" means the National Fire Protection Association.
- (i) "UL Approved Container" means any container approved by the Underwriters Laboratories ("UL").

**7-402. Burn location; approved containers; flame height.**

- (a) Except as provided in subsection (b), open or recreational burning must be conducted 100 feet or more from any structure, road, or property boundary line. Provisions shall be made to prevent the fire from spreading to within 100 feet of any structure, road, or property boundary line.
- (b) Fires conducted in UL approved containers, or containers constructed of non-combustible materials such as brick, stone, concrete, or metal with a pile size less than three feet in diameter and two feet in height may be located not less than 15 feet from any structure, combustible material, property line or deck. All fires conducted in accordance with this subsection must be protected with a spark arrestor screen having a maximum 1/2-inch metal openings secured across the top of the fire pit or located on the vent or chimney.
- (c) Portable outdoor fireplaces that use approved Class A material, as defined by the NFPA, shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material.
- (d) Portable outdoor fireplaces that use propane or natural gas shall be used in accordance with the manufacturer's instructions and may be operated within 15 feet of a structure or combustible material given the sustained flame length shall not exceed 6 inches in height. If the propane portable outdoor fireplace's flame length is greater than 6 inches, it shall not be operated within 15 feet of a structure or combustible material.
- (e) Sustained flame length for open or recreational burning shall not exceed 2.5 feet in height.

#### **7-403. Approved Materials.**

Except for materials burned at the City of Sedgwick burn site, no material other than approved Class A materials, as defined by the NFPA, may be burned within the City. Approved Class A materials that are permitted to be burned within the City include:

- (a) Seasoned firewood.
- (b) Propane.
- (c) Charcoal.
- (d) Natural Gas.
- (e) Wood Pellets.
- (f) Tree Limbs.
- (g) Foliage.

#### **7-404. Prohibited Materials of Actions.**

- (a) Except for materials burned at the City of Sedgwick burn site, no papers, shavings, weeds, brush, grass, leaves, trash, tree trimmings, or plastic, Class A materials, except for those approved Class A materials identified in Section 7-403, or Class B, C, D, and K products as defined by the NFPA may be burned at any time within the City.
- (b) Except as otherwise permitted by a burn permit issued pursuant to Section 7-511, no petroleum-based products, flammable gases, flammable liquids, metals, electrical equipment, batteries, products containing batteries, cooking oils, fats, or products containing cooking oils or fats may be burned at the City of Sedgwick burn site.

#### **7-405. Wind.**

Burning will not be permitted, and all ongoing burns must be fully extinguished, if the wind speeds exceed 15 miles per hour as identified by the Harvey County 911 dispatcher.

#### **7-406. Attended Fires.**

Open and recreational burning shall not occur or continue unless the burn is attended at all times by a competent person 18 years of age or older.

#### **7-407. Smoke Management.**

No burning that creates dense smoke, nuisance smoke, or traffic hazards is allowed. Any burning that creates dense smoke, nuisance smoke, or traffic hazards must be immediately extinguished.

#### **7-408. Burn Bans.**

Burning may not take place when there is a ban or moratorium on burning issued by federal, state, or local agencies.

#### **7-409. Bonfires.**

Before any person or entity may ignite a bonfire, all permitting requirements by local authorities having jurisdiction must be complied with, including the issuance of a burn permit by the City of Sedgwick, Kansas, Fire Department. A bonfire shall not be conducted within 100 feet of a structure or combustible material unless the bonfire is contained in a barbecue pit. Conditions that could cause a fire to spread within 100 feet of a structure or combustible material shall be eliminated prior to ignition.

#### **7-410. Prescribed Burning.**

Before any person or entity may commence any prescribed burning for the purpose of reducing the impact of wildland fire, all permitting requirements by local authorities having jurisdiction must be complied with, including the issuance of a burn permit by the City of Sedgwick, Kansas, Fire Department. Prescribed burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. Prescribed burning shall be prohibited when wind speeds are greater than 15 mph.

#### **7-411. Open-Flame Cooking Devices.**

Except for one and two-family dwellings, charcoal, gas, and pellet grills shall not be operated on combustible balconies or within ten (10) feet of combustible construction. A fire may be built at any one and two-family dwelling, without requiring a burn permit, in any outdoor stove, oven, fireplace, chiminea, barbecue pit, or portable burner for the purpose of cooking food, provided that any such unit shall be solidly enclosed on all sides and the top surface shall be covered in a material sufficient to contain any burning embers and ash. Any fire so started shall be extinguished and made safe before the persons starting and maintaining the same shall leave the place where the fire was started.

#### **7-412. Burn Permit.**

- (a) Except as otherwise provided in this Chapter, no person or entity may conduct open or recreational burning absent compliance with all permitting requirements by local authorities having jurisdiction, including the issuance of a burn permit by the City of Sedgwick, Kansas, Fire Department.
- (b) All open and recreational burn permits issued by the City of Sedgwick, Kansas, Fire Department must provide:
  - (1) The location of the burn;
  - (2) The time period for which the burn permit is effective;
  - (3) The type of burn to be conducted;
  - (4) The name of the permit holder;
  - (5) The address of the permit holder;
  - (6) Contact information, including phone number and email address for the permit holder;

- (7) The permit holder's signature attesting that the permit holder will abide by all requirements for the issuance of the burn permit and assumes all liability for any damages which may occur from this prescribed burn;
- (8) The signature of the Fire Chief or the Fire Chief's designee.
- (c) Failure to comply with this Chapter or the burn permit requirements will result in revocation of the burn permit and will subject the permit holder to any penalties provided in Section 7-415.
- (d) Without subjecting the permit holder to any penalties provided in Section 7-417, the Fire Chief or any designee of the Fire Chief may revoke the burn permit at any time in the event that atmospheric conditions or other public safety considerations arise that would inhibit the open or recreational burn from being conducted in a safe or controlled manner.

#### **7-413. Burn Site.**

Except as otherwise provided in this Chapter, the City of Sedgwick, Kansas, burn site is subject to all limitations and burn permit requirements as prescribed within this Chapter.

#### **7-414. Penalty.**

Any person or entity violating any of the provisions of this article shall, upon conviction thereof, be fined in any sum not exceeding \$500.00, or be imprisoned not to exceed 30 days, or be both so fined and imprisoned.

**Section 3:** This ordinance shall take effect and be in force on the \_\_\_\_ day of \_\_\_\_\_, 2025, and after such publication in the official City newspaper.

**ADOPTED** by the Governing body of the City of Sedgwick, Kansas on this \_\_\_\_ day of \_\_\_\_\_, 2025.

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Bryan Chapman, Mayor

ATTEST:

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Sheila Agee, City Clerk