

(Published in the Cawker City Ledger June 13, 2019)

## ORDINANCE NO. 724

AN ORDINANCE OF THE CITY OF GLEN ELDER, KANSAS REGULATING RECREATIONAL BURNING WITHIN THE CITY, AND ESTABLISHING PENALTIES FOR VIOLATIONS THEREOF.

WHEREAS, the popularity of portable outdoor fireplaces and recreational fire pits has increased; and

WHEREAS, the inherent dangers posed by fire within populated areas can present a danger to the public; and

WHEREAS, the Glen Elder Fire Department has seen an increase in the number of issues with fire pits, portable outdoor fireplaces, and similar recreational fires; and

WHEREAS, it is declared to be in the best interests of the citizens of Glen Elder, Kansas that such activity be regulated.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GLEN ELDER, KANSAS:

**Section 1.** Any provisions of this ordinance which so conflict with the Uniform Fire Code, Edition 1991 shall supersede sections of the Uniform Fire Code, Edition 1991, adopted by the City of Glen Elder.

**Section 2. Definitions.** For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein.

- (a) **Portable Outdoor Fireplace.** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and short chimney or chimney opening in the top. The term "Portable Outdoor Fireplace" shall not include an electric, gas, or charcoal barbecue grill used for the preparation of food.
- (b) **Recreational Fire.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**Section 3. Recreational Burning in the City.** It shall be unlawful for any person, firm, corporation, partnership, association, organization, or governmental agency properly regulated by the City to burn or cause to be burned any outdoor fire within the City, unless the following conditions are met:

- (a) Portable outdoor fireplaces shall not be operated within 15 feet of any structure, property line, or combustible materials.
- (b) Portable outdoor fireplaces shall not be used on a combustible deck.
- (c) Portable outdoor fireplaces shall not be used under the balcony of any dwelling or structure.
- (d) Portable outdoor fireplaces shall not be used when wind speed is in excess of 15 miles per hour.
- (e) Recreational fires must be enclosed by some noncombustible fire ring at least 1 foot in height above the ground and no more than 3 feet in diameter and shall not be constructed within 25 feet of any structure, property line or combustible materials.
- (f) Outdoor fireplaces, other than portable, must be constructed of noncombustible materials and shall not be constructed within 15 feet of a structure, property line or combustible materials.
- (g) Fires that are offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fire hazardous are prohibited.
- (h) Combustible materials which could cause a fire to spread shall be eliminated or mowed short in the immediate area prior to ignition.
- (i) Ashes shall be discarded in a noncombustible container and kept outside of any structure.
- (j) Only clean, dry and seasoned firewood is permitted. Firewood can be a maximum of 2 feet long.
- (k) The use of flammable and combustible fluids such as gasoline, alcohol, diesel fuel, or kerosene to light and relight fires is prohibited.
- (l) The burning of trash, garbage, leaves, asphalt, petroleum products, paints, rubber products, plastics, paper, cardboard, treated wood, construction debris, metal or any other substance that normally releases toxic emissions, dense smoke, or obnoxious odors is prohibited.
- (m) A burning or smoldering fire must be attended at all times by a person eighteen (18) years or older.
- (n) Buckets, shovels, a garden hose or a fire extinguisher shall be readily available for use while a fire is burning or smoldering.
- (o) Burn bans by the State of Kansas, Mitchell County, or the City of Glen Elder are strictly enforced and any recreational burning, other than in an appropriate barbecue grill, is prohibited during such burn ban.
- (p) Fires for preparation of food when conducted in appropriate barbecue grills are permitted.

**Section 4. Violation.** Any person, firm, corporation, partnership, association, organization, or governmental agency properly regulated by the City in violation of any applicable condition set forth in Section 3 shall be guilty of an ordinance violation and the sentence shall be the same penalty as provided herein for a Class C violation of the Uniform Public Offense Code.

**Section 5. Discontinuance.** The Glen Elder Fire Chief, Code Enforcement Officer, or designee is authorized to require that any recreational fire shall be immediately discontinued if such fire is determined by the Chief or Officer to constitute a hazardous condition.

**Section 6. Amendment to Section 7-204.** Section 7-204 of the Glen Elder City Code is hereby amended as follows:

7-204. OPEN BURNING.

- (a) It shall be unlawful for any person to dispose of refuse, garbage, or rubbish by open burning or to cause, allow or permit opening burning within the City, unless such burning is recreational burning as defined by City ordinance and is in compliance with all the conditions and requirements of the recreational burning ordinance.
- (b) The Chief of the fire department may issue a permit for open burning if the issuance of the same in his determination would not constitute a hazard, smoke nuisance or be detrimental to neighboring property or persons. In issuing such permit, the fire chief shall require that all safety precautions and conditions set out by the fire chief be strictly followed.

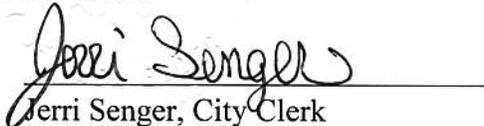
**Section 7.** This Ordinance shall take effect and be in full force from and after its passage and one publication in the official city newspaper.

PASSED and ADOPTED by the Governing Body and signed by the Mayor this 3<sup>rd</sup> day of June, 2019.



Ryan Duskie, Mayor

ATTEST:



Terri Senger, City Clerk