

ORDINANCE NO. OR 2007-102

AMENDING CHAPTER 50, OFFENSES & MISCELLANEOUS PROVISIONS
OF THE MUNICIPAL CODE OF ORDINANCES
TO ADD OPEN BURNING IN THE CITY OF SEYMOUR

WHEREAS, there is no burning ordinance currently in the ordinance book;

WHEREAS, the Courts and Public Safety Committee feel there is a need for a burning ordinance and have recommended the following ordinance;

OPEN BURNING IN THE CITY OF SEYMOUR

- (A) **OPEN BURNING PROHIBITED.** No person, firm or corporation shall build any outdoor fire within the corporate city limits of the City of Seymour excepting as set forth in Subsection (b), (c) and (d) of this Section.
- (B) **RECREATIONAL FIRES.**
- (1) **Intent.** It is intent of the city that citizens shall have the opportunity to have recreational fires at single-family and two-family dwellings provided that such fires are in strict compliance with restrictions relating to recreational fires. It is further the intent of the city that the police department and fire department shall strictly enforce these restrictions so as to insure that such fires do not compromise safety nor annoy neighbors. Such complaints shall be investigated and any action necessary to correct the situation is at the complete discretion of the police department or fire department.
 - (2) **Location.** No recreational fire shall be closer than 10 feet from any building, shed, garage, fence or any other combustible materials. The location shall be no closer than 10 feet from any adjoining property line.
 - (3) **Size.** All recreational fires shall be in a below ground fire pit with a minimum depth of 10 inches and a maximum diameter of 3 feet. The fire may not extend more than 2 feet above the fire pit. The fire pit shall be surrounded on the outside, above ground, by a non-combustible material such as, but not limited to, concrete block, bricks or rocks. No burn barrels allowed.
 - (4) **Portable Fire Pits.** Portable fire pits as defined as devices commercially designed to contain and control outdoor wood fires, may be used in accordance with the manufacturer's recommendations. The device must be placed on a non-combustible surface at least twice the diameter of the device.
 - (5) **Materials for burning.** Materials for recreational fires shall consist of clean, dry wood that is unpainted and untreated. Material shall not include rubbish, garbage, trash, leaves, brush or garden waste or any material made of or coated with rubber, plastic, leather or petroleum based materials and may not contain any flammable or combustible liquids.

- (6) Time. The time for recreational burning shall be from 3:00 p.m. until 12:00 p.m.
- (7) Adequate fire suppression. Adequate fire suppression equipment shall be immediately available to extinguish or control the recreational fire.
- (8) Attendance. All recreational fires must be attended to at all time by a responsible person that is at least 16 years of age or older. The responsible person must be in attendance from the time the fire is ignited until it is extinguished.
- (9) Responsibility. It is the responsibility of the renter/lessee of any un-owned property to provide written documentation from the property owner, giving permission to have a recreational fire on that property.
- (10) Complaint. Complaints received by the Fire/Police Departments regarding smoke, ash or noxious odors infringing on adjacent properties will require that such fires be immediately extinguished.

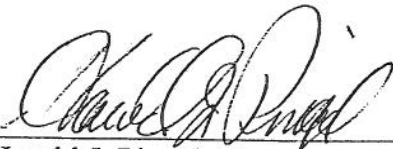
(C) **BONFIRES.** Any fire larger in size than described in Section B-3 above shall be considered a bonfire. Generally, these types of fires are prohibited in the City of Seymour. Only the Fire Chief shall be allowed to make an exception to this rule. If the Chief makes such an exception, it will be his responsibility to work closely with the group making the request and will set forth guidelines that will be strictly enforced before, during and after the fire.

(D) **CONTROLLED BURNS.** Controlled burns are conducted by the fire department for the purpose of training or a community service to dispose of unwanted materials. These fires will be attended and supervised by the fire department. It shall be at the Fire Chief's discretion as to when and where these fires are conducted upon confirmation from council. Controlled burns are exempt from all burning restrictions.

BE IT RESOLVED, by the Common Council of the City of Seymour to amend Chapter 50, Offenses & Miscellaneous Provisions of the Municipal Code of Ordinances to add open burning in the city of Seymour.

Adopted this 12th day of November, 2007

CITY OF SEYMOUR



 Harold J. Pingel, Mayor

ATTEST:



 Susan M. Garsow, Clerk