

**AN ORDINANCE OF THE CITY OF CLEVER, MISSOURI, DEFINING AND
REGULATING OPEN BURNING WITHIN THE CITY LIMITS OF THE CITY OF
CLEVER**

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CLEVER, COUNTY OF CHRISTIAN, STATE OF MISSOURI, AS FOLLOWS:

SECTION I: GENERAL

A person shall not cause or allow any open burning unless approved in accordance with this code and Section 215.010 of the City of Clever Code (Nuisances Affecting Health).

SECTION II: DEFINITIONS

Open Burning - the burning of any materials in which air contaminants are emitted directly into the air without first passing through a stack or chimney.

Waste / Combustible - Magazines, books, trimmings from lawns, trees or flower gardens, leaves, pasteboard boxes, rags, paper, straw, sawdust, packing materials, shavings, roofing materials, waste oil, cooking oils, storage of all materials, boxes and all rubbish and refuse that will ignite through contact with flames at ordinary temperatures.

Yard Waste - trees, tree leaves, brush, or other vegetation

SECTION III: BURNING OF WASTE MATERIALS

Burning of waste materials is a violation of the code. Waste materials such as, but not limited to tires, carpet, used oil, asphalt roofing material, rubber products, hazardous materials, Styrofoam™, plastics, petroleum-based products, durable goods, treated wood, and any asbestos-containing material may not be burned. The burning of insulation from wiring containing metals such as copper and aluminum, whether obtained legally or illegally, shall be considered a violation of this code.

SECTION IV: BURNING OF VEGETATIVE WASTE

Burning of yard waste is allowed, if the yard waste is from the sites provided it originates and is burned on the same premises. Yard waste includes trees, tree leaves, brush, or other vegetation. Materials such as tires or used oil may not be used to start the fires or be burned in the fires. The burning of yard waste may not take place on a city street or any sidewalk. Burning of vegetative waste shall not be conducted within 100 feet of a structure or combustible material. Burning of vegetative waste shall meet all other requirements set forth in this code for outside fires, to include a means of extinguishment, appropriate distances from structures, wind speed less than 15 miles per hour, and a responsible adult supervising the entire duration of the burn.

SECTION V: RECREATIONAL PURPOSES

The City shall allow campfires and other fires for outdoor non-commercial preparation of food. Campfires and other fires for ceremonial occasions shall meet all other requirements set forth in this code for outside fires, to include a means of extinguishment, appropriate distances from structures, wind speed less than 15 miles per hour, and a responsible adult supervising the entire duration of the burn.

- A. BONFIRES** - A bonfire shall not be conducted within 50 feet of a structure or combustible material. Conditions which could cause a bonfire to spread within 50 feet of a structure shall be eliminated prior to ignition.
- B. BONFIRE MATERIALS / SIZE / DURATION** - A bonfire shall not be more than 5 feet by 5 feet by 5 feet. Fuel for a bonfire shall consist only of seasoned dry firewood. Bonfires shall not burn longer than 4 hours and must be extinguished by midnight. Bonfires shall meet all other requirements set forth in this code for outside fires, to include a means of extinguishment, appropriate distances from structures, wind speed less than 15 miles per hour, and a responsible adult supervising the entire duration of the burn.

SECTION IV: TIME OF OPEN BURNING

In no event shall open burning take place between the hours of 08:00 p.m. and 6:00 a.m., except that the Code Enforcement Officer may authorize open burning different from the above standards when they find the public health and safety will not be endangered. Open burning shall meet all other requirements set forth in this code for outside fires, to include a means of extinguishment, appropriate distances from structures, wind speed less than 15 miles per hour, and a responsible adult supervising the entire duration of the burn.

SECTION IIV: WIND SPEED

In no event shall open burning take place during sustained wind speeds of fifteen (15) miles per hour or higher.

SECTION IIIV: OPEN BURNING OF TRADE WASTE

The open burning of untreated wood waste from trade, construction, and demolition waste must be burned between sunrise and sunset, be supervised at all times, occur at least 200 yards away from the nearest structure not owned by the party conducting the burning unless an Air Curtain Incinerator is used and waivers are obtained from the owner or occupant of the structure or the local fire department provides approval. Waiver from the fire department to the owner of the Air Curtain Incinerator should be in writing. Any person burning more than 80 cubic yards of this untreated wood waste per week at a single location must use an Air Curtain Incinerator. When an Air Curtain Incinerator is required or used, please reference the Air Curtain Incinerator requirements of state rule 10 CSR 10-6.045 (3)(F). Prior to commencing construction of a stationary Air Curtain Incinerator, submit a notification of intent to construct and operate to the Air Pollution Control Program staff director, the planned initial startup date, and the types of materials to be burned using the Air Curtain Incinerator. The state rule also requires initial and annual opacity testing and emission limitations. Each test is required to be submitted to the Department within sixty days of conducting the test.

SECTION IX: PERMIT FOR BURNING TRADE WASTE

The open burning of trade wastes shall be permitted only when it has been shown that such open burning is reasonably necessary for disposal and that the disposal will not unreasonably affect the public health, safety or welfare. Any person contending that such is the case and desiring to engage therefor in open burning shall file a request to do so with the City of Clever Council. The application shall state the following:

- (1) The name, address and telephone number of the person submitting the application.
- (2) The type of business.
- (3) A description of the proposed equipment and operating practices, the type, quantity and composition of material to be burned, and the expected composition and amount of air contaminants to be released to the atmosphere, where known.
- (4) The schedule of burning operations.
- (5) The exact location where the open burning will occur.
- (6) The reasons why open burning is reasonably necessary for disposal and will not unreasonably affect public health, safety and welfare.
- (7) Evidence that the proposed open burning has been approved by the Code Enforcement Officer and is not in violation of the fire code of the city.

If the Code Enforcement Officer shall find upon examination of the application that the open burning proposed is reasonably necessary for disposal and that it will not unreasonably affect the public health, safety or welfare, they may grant a permit to conduct such open burning, subject, however, to the provisions of any other law or ordinance of the city and also upon such conditions as the ordinance officer may impose so as to limit the open burning to meet the standards established in this chapter.

A. FEES - Every person issued a permit under this section shall pay \$25.00.

SECTION X: BURNING BAN

The mayor or tax supported fire protection district (as defined by RSMo 321.010) may issue a temporary burning ban if the safety of the public is in danger when a combination of dry fuels and weather conditions support an extreme fire danger. This encompasses climatological induced conditions such as but not limited to drought and high winds. The burning ban will stay until removed by the mayor or tax supported fire protection district.

SECTION XI: PENALTIES

If a person violates the Fire Code, or if a notice of violation is not complied with within the time specified by the Code Enforcement Officer, the Code Enforcement Officer may cause a municipal court summons to be issued and the City Attorney may, at the Code Enforcement Officer's request, institute a court proceeding to obtain an injunction to restrain, correct or abate such violation, or to require removal or termination of the provisions of this code or of any order or direction made pursuant thereto.

Any person, violating any provisions of the Fire Code this ordinance, or failing to comply with any order issued pursuant to any section thereof, shall be in violation of a municipal ordinance and upon conviction thereof shall be punished as provided in Article III Section 100.220 of the City of Clever General Penalty Code.

Any person who shall continue any burning after they have been served with a stop letter, could be found guilty of violating the City of Clever Fire Protection Code. Which could be punished as provided in Article III Section 100.220 of the City of Clever General Penalty Code.

Each day a violation continues shall be deemed a separate offense.

SECTION XII: This ordinance shall be in full force and effect from and after the date of its passage.

FIRST READING BY TITLE WITH COPIES AVAILABLE TO THE PUBLIC HELD ON THIS 17TH DAY OF NOVEMBER 2020.

Alderman PREIBE	_____	_____
Alderman FULLER	_____	_____
Alderman HACKWORTH	_____	_____
Alderman MCPHAIL	_____	_____
Mayor <u> (in case of tie) </u>	_____	_____

SECOND READING AND FINAL PASSAGE HERE ON THIS 17TH DAY OF NOVEMBER, 2020.

	Aye	Nay
Alderman PREIBE	_____	_____
Alderman FULLER	_____	_____
Alderman HACKWORTH	_____	_____
Alderman MCPHAIL	_____	_____
Mayor <u> (in case of tie) </u>	_____	_____

Approved Date: _____

(SEAL)

DALE MAISEL, Mayor

Attest:

KRISTY KEITHLEY, City Clerk