

Introduced by Alderman Saling

**AN ORDINANCE ADDING A NEW SECTION 10-8.5 THROUGH SECTION 10-8.7, FIRE PREVENTION AND PROTECTION, OF THE CODE OF ORDINANCES OF THE CITY OF ST. CLAIR REGARDING OUTDOOR BURNING**

**WHEREAS** the City of St. Clair recognizes that some of its citizens would like to burn recreational fires within the city limits; and

**WHEREAS** the City believes that such outdoor burning shall be subject to regulations to insure the health, safety, and welfare of its citizens; and

**WHEREAS** the City also recognizes that some citizens may be adversely affected by outdoor burning; and

**WHEREAS** the City encourages all kindlers to have consideration for neighbors and to use common sense prior to kindling any outdoor fire.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Aldermen of the City of St. Clair, Franklin County, Missouri, as follows:

**SECTION 1:** A new Section 10-8 regarding outdoor burning shall be added to Chapter 10, Fire Prevention and Protection, of the Code of Ordinances of the City of St. Clair as follows:

**Sec. 10-8. - Outdoor burning; Generally,**

(a) *Prohibition of Fires.* No person shall start, kindle, cause, allow or maintain any form of leaf burning, stump burning, rubbish, trash, or open burning on public or private property within the city limits of St. Clair, Mo.

(b) *Permitted Fires.* Outdoor burning is only allowed within the confines of the regulations in this section.

**Sec. 10-8.1. - Definitions**

(a) *Bonfire:* An outdoor fire utilized for ceremonial purposes where the total fuel area is greater than three (3) feet in diameter or greater than two (2) feet in height.

(b) *Open Burning:* The burning of material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning does not include road flares, smudge-pots or similar devices associated with safety or occupational uses typically considered open flames, recreational fires, portable outdoor fireplaces, bonfires, special event fires or outdoor fireplaces.

(c) *Outdoor Fireplace:* Any permanent outside structure built of stone or masonry with a chimney built according to ICC Building Codes.

(d) *Portable Outdoor Fireplace:* A manufactured, portable, outdoor fireplace or pit that is UL approved and is a product 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 a short flue, or chimney opening in the top.

(e) *Recreational Fire:* An outdoor fire, burning only solid wood and not Rubbish, where the wood fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total wood fuel area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar fire containment purposes. All recreational fires shall be contained in a fire ring or similar containment device (stones, rock, etc.) that is no more than five (5) feet in diameter and at least four (4) inches in height, made of a noncombustible material.

(f) *Rubbish (Trash):* Combustible and noncombustible waste materials - examples: leaves, green tree limbs, mulch, stumps, vegetative material, residue from the burning of coal, paper, plastics, rags, cartons, tin cans, rubber, oil, metals, mineral matter, insulation, construction materials or any other item considered a pollutant in accordance with the Missouri

Department of Natural Resources or any other state or federal agency.

(g) *Special Event Fire:* An event where there are more than two (2) fires of any given size on any one (1) property or as determined by these regulations to be considered a bonfire.

**Sec. 10-8.2. - General Regulations; all fires.**

(a) Outdoor fireplaces, portable outdoor fireplace, recreational fires, bonfires and/or special event fires with permits are allowed within the city limits within the confines of these regulations but shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous, as declared by the mayor.

(b) No more than two (2) fires shall be allowed to be kindled on any property at the same time unless a permit is granted by the Board of Aldermen,

(c) Someone aged eighteen (18) years or older must be always physically present and within visibility of the fire when the fire or any embers are burning.

(d) All fires shall be out by midnight. No fire may be ignited between the hours of midnight and 8:00 a.m.

(e) There shall be no burning of rubbish, trash or any other types of materials which would be considered pollutants or dangerous to human health.

(f) No fires shall be started or allowed to remain kindled if sustained winds are more than fifteen (15) miles per hour. If sustained winds increase to fifteen (15) miles per hour or greater, the fire shall immediately be extinguished.

(g) At all times a fire is kindled, or embers are present, a fire extinguisher or other extinguishing equipment such as a charged garden hose, buckets of water, buckets of sand or loose dirt must be readily available and within sight of the fire for immediate extinguishing purposes.

(h) When any outdoor fire creates or adds to a hazardous situation, fails to be kindled or maintained in accordance with these regulations, or when a required permit for a fire has not been obtained, the Police Department is authorized to order the immediate extinguishment of any such fire.

**Sec. 10-8.3 - Fire location.**

(a) *Bonfires.* A bonfire shall not be conducted within fifty (50) feet of any structure or combustible material. Conditions that could cause a fire to spread within fifty (50) feet of a structure shall be eliminated prior to ignition.

(b) *Special Event Fires.* Special event fires shall comply with setback distances based on pile sizes below:

(1) Where the total fuel area of a fire is three (3) feet or less in diameter and two (2) feet or less in height, no fire shall be conducted within twenty-five (25) feet of any structure or combustible material. All conditions that could cause a fire to spread within twenty-five (25) feet of any structure shall be eliminated prior to ignition.

(2) Where the total fuel area of each fire is greater than three (3) feet in diameter or greater than two (2) feet in height, no fire shall be conducted within fifty (50) feet of any structure or combustible material. All conditions that would cause a fire to spread within fifty (50) feet of any structure shall be eliminated prior to ignition.

(c) *Recreational Fires.* Recreational fires shall not be placed within twenty-five (25) feet of a structure or any combustible material. Any conditions that could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.

(d) *Portable Outdoor Fireplace.* Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15) feet of a structure or combustible material. Such portable outdoor fireplaces shall only be placed on a non-combustible surface. Portable outdoor fireplaces shall not be placed on decks made of wood or composite materials.

#### Sec. 10-8.4. - Additional regulations; Bonfires and Special Event Fires.

The following regulations, in addition to the general regulations applying to all fires set out above, shall apply to bonfires and special event fires:

(a) Permit required.

(1) A daily bonfire or special event fire permit shall be obtained from the St. Clair Board of Aldermen prior to the kindling of any such fire. Permits for such fires shall be kept onsite and readily accessible for review to determine compliance. Permits are only good for one (1) day.

(2) An application must be completed, reviewed, and approved by the Board of Aldermen prior to issuance of a daily bonfire or special event fire permit. The application must state the name, address and telephone number of the responsible person, the date, time(s), location(s), number of fire(s) and the size of the proposed fire(s). The city clerk shall notify the Police and Fire Protection District of the issuance of any bonfire or special event fire permit(s).

#### Sec. 10-8.5. - Barbeque pits or grills and gas fire pits permitted.

(a) Nothing in this section shall prevent persons from using standard gas or charcoal barbeque pits or grills or manufactured UL approved outdoor gas fire pits.

- (b) Open burning for recreational purposes, campfires and other fires used solely for recreational purposes, ceremonial occasions or outdoor noncommercial preparation food, fires shall include only vegetative woody materials or untreated wood products.

**Sec. 10-8.6 -Open Burning**

Open burning of land for the purpose of development within the city limits of St. Clair may be allowed with written approval from the City Building Inspector/ Code Enforcement Official, the St. Clair Fire Protection District, and notification of the Mo. Dept. of Natural Resources. All requests to the Board of Aldermen must show open burning is the only feasible method of tree and vegetation disposal and is in the public's best interest. The person conducting the open burning shall notify DNR.

**Open Burning in Land Development operations.  
Land development/burning operations within the city limits.**

Commercial land clearing/burning operations inside the city limits, and a minimum of 200 yards from the nearest occupied structure must follow the requirements specified in the open burning rule. Materials such as tires or used oil may not be used to start the fires or be burned in the fires.

**Open Burning at Wood Processing Facilities**

Open burning of untreated wood waste from wood processing facilities is allowed if production is less than 8,000 board feet per day and located more than a mile outside of an incorporated area. The burning also must be done at least 200 yards from the nearest occupied structure. Wood processing facilities producing more than 8,000 board feet per day that wish to burn more than 80 cubic yards of untreated wood waste per week must use an Air Curtain Incinerator

**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 always supervised, occur at least two 200 yards away from the nearest structure not owned by the party conducting the burning. 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.

**Sec. 10-8.7. - Violation is an offense.**

It shall be unlawful for any person to ignite or tend to any fire in violation of this chapter or fail to comply with the requirements in this chapter or obtain the appropriate permit. Any person who violates this ordinance shall be guilty of an offense. Any person convicted of said offense shall be subject to punishment, as set forth in Sec. 1-8 of the Code of Ordinances of the City of St. Clair Missouri.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 3: This ordinance shall be in full force and effect from the date of passage.

READ BY TITLE ONLY TWICE AND PASSED this 19<sup>th</sup> day of June 2023.

VOTE:

| <u>NAME</u>       | <u>AYE</u> | <u>NAY</u> | <u>NAME</u>       | <u>AYE</u> | <u>NAY</u> |
|-------------------|------------|------------|-------------------|------------|------------|
| Alderman Viehland | <u>X</u>   | _____      | Alderman Sikes    | <u>X</u>   | _____      |
| Alderman Saling   | <u>X</u>   | _____      | Alderman Dulworth | <u>X</u>   | _____      |

Cozy Bailey, Mayor\_\_\_\_\_

ATTESTED:

Kim French, City Clerk\_\_\_\_\_