



REQUEST FOR COMMISSION ACTION
CITY OF INDEPENDENCE
May 23, 2019

Department Fire/EMS

Director Approval Shawn Wallis

AGENDA ITEM Request to amend the open burning ordinance.

SUMMARY RECOMMENDATION Amend ordinance 17-113

BACKGROUND The current ordinance is too vague in nature and does not allow for ease of enforcement. The ordinance needs to be more concise and straight forward.

BUDGET IMPACT None

SUGGESTED MOTION I move to amend City Ordinance 17-113 as submitted for approval.

ORDINANCE NO. _____

**An Ordinance Regulating Open Burning,
Recreational Fires, and Other Portable Cooking Devices**

BE IT ORDAINED by the Governing Body of the City of Independence, Kansas:

Section 1. Open Burning Defined. Open burning is the process of burning any materials where the products of combustion pass directly into the open air without going through a chimney or stack. "Any materials" includes, but is not limited to, trees, tree trimmings, branches, stumps, brush, weeds, leaves, shrubbery, yard trimmings, garbage, tires or rubber products, paint or used oil, plastic or any household material.

Section 2. Open Burning Prohibited. Open burning is hereby prohibited within the City limits.

Section 3. Recreational Fires. Recreational fires, such as fire pits, are permitted subject to the following restrictions:

- a. The fire must be a minimum of a twenty-five (25) feet away from any structure or combustible material.
- b. The fire shall be no larger than four (4) feet in diameter and flames shall be no larger than two (2) feet high and must be contained within a non-combustible ring.
- c. A portable fire extinguisher or other extinguishing equipment, such as a garden hose, must be readily accessible.
- d. The fire must be constantly attended until the fire is extinguished.
- e. No recreational fire shall be permitted if the wind speed exceeds fifteen (15) miles per hour.

f. Fuel for the fire shall be limited to natural grown forms of wood – dried, split or sawn to lengths no greater than four (4) foot. No processed wood such as 2x4's, pallets or building materials may be burned.

g. If any neighbor experiences breathing or physical discomfort due to the smoke generated from a recreational fire, the fire must be extinguished upon request.

Section 4. Portable Outdoor Fireplaces and Open-Flame Cooking Devices.

Portable outdoor fireplaces, charcoal burners and other open-flame cooking devices shall be operated in accordance with the manufacturer's instructions. Portable outdoor fireplaces shall not be operated within fifteen (15) feet of a structure or combustible material, and all other rules applicable to recreational fires shall also apply to portable outdoor fireplaces. Charcoal grills and other open flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction, provided however, an LP gas cooking device having an LP gas container with a water capacity not greater than 2½ pounds shall be excluded from this restriction.

Section 5. Penalty. It shall be unlawful to violate any of the provisions of this Ordinance. A violation of this Ordinance shall be an unclassified misdemeanor and upon conviction, violators shall be subject to a fine of \$50 for the first offense, \$150 for the second offense, and \$500 for the third and subsequent offense, plus all applicable Court costs and assessments.

Section 6. This Ordinance shall take effect upon its publication in the official City newspaper.

Adopted by the Governing Body of the City of Independence, Kansas, on the ____ day of _____, 2019.

Louis Ysusi, Mayor

ATTEST:

DAVID W. SCHWENKER, City Clerk