

ORDINANCE NO. 08-06

AN ORDINANCE REGARDING OUTDOOR AND OPEN BURNING WITHIN THE VILLAGE OF BUCKNER.

SECTION I PURPOSE

WHEREAS this ordinance is intended to promote the public health, safety, and welfare of the citizens of the Village of Buckner by regulating the air pollution and fire hazards of open burning and outdoor burning.

WHEREAS this ordinance applies to all outdoor burning and open burning within the Village of Buckner.

1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane, or natural gas in cooking or grilling appliances.

WHEREAS should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION II DEFINITIONS

1. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for the disposal of waste wood or refuse.
2. "Clean wood" means natural wood, which has not yet been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues.
3. "Construction or demolition waste" means building materials, waste materials, including but not limited to shingles, insulation, treated wood, painted wood, wiring, plastics, packaging and rubble that results from construction, remodeling repair, and demolition of any structure.
4. "Outdoor burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the air without passing through a stack or chimney. This includes burning in a burn barrel.
5. "Patio burning unit" means a chiminea, patio warmer or other portable wood burning devices used for outdoor recreation and for heating.
6. "Refuse" means any waste material except logs, brush, stumps, leaves, grass clippings and other vegetative matter.

SECTION III GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

1. Open burning and outdoor burning are prohibited in the Village of Buckner unless the burning is specifically permitted by this ordinance.

SECTION IV OPEN BURNING OF REFUSE

1. Open burning of refuse from a single family dwelling are allowed if the following conditions are met:

- A. The burning does not create a nuisance. No materials shall be burned that create a foul or offensive odor or that creates smoke emissions that are unreasonably offensive to occupants of surrounding property.
- B. The burning is conducted in a metal or masonry container that has a metal covering that does not have an opening larger than 3/4 inch.
- C. A permit has been obtained.
- D. Burning of construction and demolition waste, hazardous substance (batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents) furniture, appliances, tires, plastic materials or treated wood are prohibited.

SECTION V BURNING TREES, LOGS, BRUSH, STUMPS, LEAVES AND GRASS CLIPPINGS.

- 1. Open burning of these items are permitted of the following conditions are met:
 - A. Except for campfires, open burning shall only be conducted from 10:00 a.m. and must be extinguished by 7:00 p.m.
 - B. Open burning of a large amount of these must have prior approval from the Fire Department.
 - C. Open burning shall be conducted only on the property on which the materials were generated.
 - D. Outdoor campfires and small bonfires are allowed provided they do not cause a nuisance.
 - E. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and cold. The person shall have readily for use, such fire extinguishing equipment as may be necessary for the control of the fire.
 - F. No material may be burned upon any street, curb, gutter, or sidewalk.

SECTION VI LIABILITY

- A. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION VII RIGHT OF ENTRY AND INSPECTION

- A. The Fire Chief or any authorized officer, agent, employee or representative of the Village of Buckner may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION VII ENFORCEMENT AND PENALTIES

- A. The Fire Chief, Police Chief, and Police Officers are authorized to enforce the provisions of this ordinance.
- B. Any person who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible and shall be punishable by a fine determined in accordance with the following schedule:

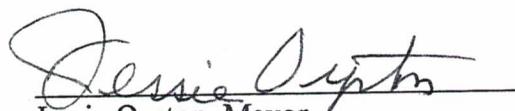
1st offense a minimum of \$35.00 and a maximum of \$100.00
2nd offense a minimum of \$50.00 and a maximum of \$200.00
3rd offense a minimum of \$75.00 and a maximum of \$300.00
4th offense a minimum of \$100.00 and a maximum of \$400.00
5th offense a minimum of \$150.00 and a maximum of \$500.00

The minimum fines will increase at \$50.00 and the maximum fines will increase at \$100.00 intervals until all provisions of this ordinance are met.

B. The violator shall pay costs, which may include all expenses direct and indirect, which the Village of Buckner had incurred in connection with the municipal infraction. In no case, however shall costs of less than \$35.00 nor more than \$1,000.00 be ordered. In addition, the Village of Buckner shall have the right to proceed in any court of competent jurisdiction for the purposes of obtaining an appropriate remedy to compel compliance with the ordinance.

ADOPTED, ORDAINED AND APPROVED THIS 11th day of Sept., 2008.

Crews, aye. Gouge aye. Hansen, aye. Mand, aye. Sneddon, aye. Wheeler, aye


Jessie Oyston, Mayor


Renee Crews, Clerk