

### § 92.03 OPEN BURNING.

(A) *Prohibition generally.* No person shall cause or permit, except as provided in this section, any open burning of garbage, waste, refuse, rubbish or other combustible materials, including by way of specification but not by limitation, paper, leaves, grass, trees and tree trimmings, on any private or public property; provided, however, that charcoal and non-ash producing fuels may be used on private property and in recreation areas for the exclusive preparation of food for human consumption, and that fuels may be used in metal containers situated not less than 15 feet from combustible materials for the purpose of heating building materials and for the warmth of workers.

(B) *Prohibited on paved streets and alleys.* No person shall kindle fire in or upon any paved street or alley.

(C) *Prohibited near buildings and at certain hours.* No person shall kindle fire on any private property within 50 feet of any building, unless the fire be confined in a safe container, and in no case shall any such fire be permitted within 15 feet of any building, nor the same to be such as to constitute a nuisance. The fires shall be kindled between the hours of 4:00 p.m. to 10:00 p.m. only.

(D) *Leaves.* Leaves, under the prescribed conditions under this section and as promulgated by the Chief of the Fire Department, may be burned at certain periods of the year in accordance with published notice only.

(E) *Land clearing.* It shall be unlawful for any person to set fire to any woodlands, grasslands, weedlands, brush or other land for the purpose of cleaning or improving the land or preventing other fires, without first having procured a permit from the Fire Chief. Applications for such permits shall be made to the Fire Chief in such form and detail as he may prescribe, and such permits shall be subject to the conditions the Fire Chief may specify for the protection of life and property. Any person who willfully, negligently or carelessly sets on fire or causes to be set on fire any woodlands, grasslands, weedlands, brush or other land, or other combustible material, whether on his or her own land or not, by means whereof the property of another is injured or endangered, shall be guilty of a misdemeanor.

(Prior Code, § 11-3) (Ord. 62, passed 9-2-1971) Penalty, see § 10.99