

CHAPTER 5

OPEN BURNING REGULATIONS

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7-501. Definitions. (1) "Open burning" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

(2) "Wood waste" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. (as added by Ord. #02-20, Aug. 2002, replaced by Ord. #02-40, Dec. 2002, and amended by Ord. #06-24, June 2006)

7-502. Open burning. No persons shall cause, suffer, allow or permit open burning within the city limits of the City of White House except as set out in the following exceptions:

- (1) Non-commercial fire used for cooking of food including barbecues and outdoor fireplaces;
- (2) Commercial incinerator;
- (3) Commercial barbecue fireplace;
- (4) Comfort heating on construction jobs provided the burning is in a suitable metal container and only untreated wood is burned. This is not to be construed to allow the burning of painted or chemically treated wood for comfort heating. Controlled burning for comfort heat is not allowed when the ambient temperature exceeds 40 degrees.
- (5) Non-commercial (residential) fires at single-family dwellings to rid property of "wood waste" when there is no reasonable means to move "wood waste" to a location where the city may pick them up. There will be no burning of any material that residential pickup service is provided for unless it is in an area that is inaccessible to the public works department. Burning of this "wood waste" will be limited to no more than a 150 cubic foot pile of material.
- (6) Non-commercial fires used for ceremonial or recreational purposes including bonfires.

(7) Fires set by or at the discretion of responsible fire control persons for training purposes or directed at the prevention, elimination, or reduction of fire hazards.

(8) Routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard. Demolition of structures may be conducted by open burning provided that there is a unilaterally issued state or local building codes order to demolish the structure by open burning because of its structural failure or potential for structural failure. Such orders will be recognized only when there is no other safe way to demolish the structure.

(9) Fires used to clear land consisting solely of vegetation grown on the land for forest or game management purposes.

(10) The fire chief or his designee has the authority to allow open burning where there is no practical, safe, and/or lawful method or disposal.

(11) Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband. This does not include antineoplastic agents.

(12) Commercial disposal of "wood waste." Priming materials used to facilitate burning such as "wood waste" and vegetation are limited to #1 or #2 grade fuel oil. Burning of wood waste may require an "open pit of efficient size to contain the wood waste," or other fire department approved method if deemed necessary by the fire chief.

(13) Exceptions (1) to (4) above are allowed with no permit requirements.

(14) Exceptions (5) to (11) shall require a permit issued by the fire department at no cost.

(15) Exception (12) requires a permit with a fee of \$50.00. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002, and amended by Ord. #06-24, June 2006)

7-503. Other burning. The fire chief or his designee shall have the authority to permit or prohibit open burning not specifically addressed herein. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002)

7-504. Permit revocation. Burning permits shall be revoked and/or will not be issued if such burning is a nuisance to others, as determined by the fire department. (as added by Ord. #02-20, Aug. 2002, and replaced by Ord. #02-40, Dec. 2002)

7-505. Notice. All requests for fire department issued permits require a forty-eight (48) hour advance notice prior to burning to allow ample time for inspection of the burning site. (as added by Ord. #02-40, Dec. 2002)

7-506. Violations. Persons violating this ordinance may be subject to a citation and/or denial of future permitted burning. (as added by Ord. #02-40, Dec. 2002)

7-507. Permits. Permits must be signed by the person conducting the open burning. By signing the permit, the person is agreeing to the rules set forth on the permit. (as added by Ord. #02-40, Dec. 2002)