

**AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE EOLIA
COMMUNITY FIRE PROTECTION DISTRICT ESTABLISHING
PROCEDURES FOR DECLARING AND ENFORCING A BURN BAN;
PROHIBITING OPEN BURNING DURING A DECLARED BURN BAN;
AUTHORIZING RECOVERY OF CERTAIN FIRE-SUPPRESSION
COSTS ARISING FROM VIOLATIONS; AND PROVIDING FOR
PENALTIES AND ENFORCEMENT**

WHEREAS, the Eolia Community Fire Protection District (the “**District**”) is a fire protection district organized and existing under Chapter 321 of the Revised Statutes of Missouri; and

WHEREAS, Section 321.220, RSMo, authorizes the District, through its Board of Directors, to adopt and amend fire protection and fire prevention ordinances, rules, and regulations not in conflict with the Constitution and laws of the State of Missouri, and to refer infractions for prosecution; and

WHEREAS, Section 321.220, RSMo, further authorizes the District to have management, control, and supervision of the business and affairs of the District and to exercise powers necessary or incidental to carrying out the purposes of Chapter 321; and

WHEREAS, the Board of Directors finds that, during periods of drought, high wind, low humidity, elevated fire danger, or other hazardous conditions, open burning creates an unreasonable risk to life, health, property, neighboring lands, firefighters, and the public; and

WHEREAS, the Board of Directors desires to establish a uniform procedure for declaring a burn ban within the District and for recovering certain costs when a person violates a burn ban and the resulting fire spreads beyond the property where it originated and requires District response;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE EOLIA COMMUNITY FIRE PROTECTION DISTRICT AS FOLLOWS:

1.- Authority; Purpose; Findings

1.1. **Authority.** This Ordinance is adopted pursuant to Chapter 321, RSMo, including without limitation Section 321.220, RSMo, and all other powers available to the District under Missouri law.

1.2. **Purpose.** The purposes of this Ordinance are to:

- (a) protect life, health, property, and public safety within the District;
- (b) reduce the risk of uncontrolled fires during hazardous fire conditions;
- (c) provide a clear process for declaring, publishing, modifying, and terminating burn bans;
- (d) prohibit open burning during a declared burn ban, subject to limited exceptions; and
- (e) authorize enforcement and cost recovery when a violation causes or contributes to a fire requiring District response.

1.3. **Findings.** The Board finds that open burning during hazardous fire conditions presents a substantial risk of fire spread, including spread to adjacent or neighboring property; that District personnel and equipment may be required to respond to fires caused or exacerbated by prohibited burning; and that persons whose conduct violates a duly declared burn ban should be responsible for actual and reasonable fire-suppression costs incurred by the District to the extent permitted by law.

2.- Definitions

For purposes of this Ordinance, the following terms have the meanings set forth below:

2.1. **“Board”** means the Board of Directors of the Eolia Community Fire Protection District.

2.2. **“Burn Ban”** means a temporary prohibition or restriction on Open Burning within the District declared pursuant to this Ordinance.

2.3. **“District”** means the Eolia Community Fire Protection District, including all territory within its lawful boundaries.

2.4. **“Emergency Services”** means fire suppression, fire control, fire investigation support, rescue, standby, scene safety, mutual aid, and other services provided by or through the District in response to a fire, attempted burn, rekindle, smoke condition, or other fire-related emergency.

2.5. **“Fire Chief”** means the Fire Chief of the District or the Fire Chief’s designee.

2.6. **“Open Burning”** means the burning of any material, substance, vegetation, refuse, debris, wood, brush, grass, crops, fields, fence rows, rubbish, leaves, or other combustible matter outside of a fully enclosed structure, furnace, or approved device, where products of combustion are emitted directly into the outdoor air without passing through a stack, chimney, or other approved emissions-control device.

2.7. **“Person”** means any individual, owner, occupant, tenant, agent, firm, partnership, association, corporation, company, governmental entity to the extent allowed by law, or other legal entity.

2.8. **“Responsible Person”** means any Person who starts, maintains, authorizes, directs, controls, supervises, owns the property on which, or otherwise causes or contributes to Open Burning in violation of a Burn Ban, including any Person whose intentional, knowing, reckless, or negligent act or omission causes or contributes to the spread of fire.

2.9. **“Violation Fire”** means a fire, rekindle, or fire spread that results from, arises out of, is caused by, or is materially contributed to by Open Burning or other burning activity conducted in violation of a Burn Ban declared under this Ordinance.

3.- Declaration of Burn Ban

3.1. **Authority to Declare.** A Burn Ban may be declared by:

- (a) the Board by motion, resolution, or ordinance at any regular, special, or emergency meeting conducted in accordance with applicable law; or
- (b) the Fire Chief when, in the Fire Chief’s judgment, immediate action is necessary to protect life, property, firefighters, or public safety due to

hazardous fire conditions, subject to ratification, modification, or termination by the Board at the next practicable Board meeting.

3.2. Basis for Declaration. In determining whether to declare a Burn Ban, the Board or Fire Chief may consider, without limitation:

- (a) drought conditions;
- (b) high wind, low relative humidity, elevated temperature, or other weather conditions;
- (c) National Weather Service red flag warnings, fire weather watches, or similar alerts;
- (d) fire-danger ratings or recommendations issued by federal, state, county, or regional agencies;
- (e) recent fire activity within or near the District;
- (f) limited water supply, staffing, equipment, access, or emergency-response conditions;
- (g) recommendations or orders issued by Pike County, the State of Missouri, the Missouri Department of Conservation, the Missouri Department of Natural Resources, or other authorities having jurisdiction; and
- (h) any other condition reasonably related to fire prevention or fire protection.

3.3. Scope. A Burn Ban may apply to the entire District or to specified areas within the District. A Burn Ban may prohibit all Open Burning or may impose limited restrictions tailored to the hazardous conditions.

3.4. Duration. A Burn Ban shall remain in effect until the expiration date stated in the declaration or until modified or rescinded by the Board or Fire Chief, as applicable.

3.5. Publication and Notice. The District shall make reasonable efforts to publicize a Burn Ban and any modification or termination of a Burn Ban. Notice may include posting at the District fire station, posting on the District's website or social media page, notice to local media, notice to the

county emergency management office, notice to law enforcement or dispatch, signage, or any other reasonable means selected by the District. Failure of any Person to receive actual notice shall not be a defense if the District made reasonable efforts to publish the Burn Ban.

4.- Prohibited Acts During Burn Ban

4.1. General Prohibition. During a Burn Ban, no Person shall start, ignite, kindle, maintain, authorize, direct, supervise, allow, or permit Open Burning within the District, except as expressly allowed in the Burn Ban declaration or in Section 5 of this Ordinance.

4.2. Prohibited Conduct. Unless expressly permitted by the Burn Ban declaration, prohibited acts include, without limitation:

- (a) burning leaves, brush, grass, timber, logs, stumps, fence rows, crops, crop residue, fields, ditches, storm debris, household refuse, rubbish, trash, construction debris, or demolition debris;
- (b) operating burn barrels or other outdoor waste-burning devices;
- (c) conducting recreational fires, bonfires, campfires, ceremonial fires, or warming fires;
- (d) using fireworks, pyrotechnics, flame effects, exploding targets, or similar ignition sources in a manner prohibited by the Burn Ban declaration;
- (e) conducting agricultural, land-clearing, ditch, pasture, or field burning; and
- (f) any other outdoor burning activity identified in the Burn Ban declaration.

4.3. Duty to Extinguish. Any Person conducting Open Burning when a Burn Ban is declared shall immediately and safely extinguish the fire upon learning of the Burn Ban or upon direction of the Fire Chief, any District officer, law enforcement officer, or other authority having jurisdiction.

4.4. No Permit Right. No prior permission, custom, practice, fire dues status, subscription status, dispatch protocol, or other arrangement shall authorize Open Burning during a Burn Ban unless the Burn Ban declaration expressly permits the activity.

5.- Exceptions

5.1. Emergency and Official Operations. This Ordinance does not prohibit fires or burning activities conducted by or under the direction of the District, law enforcement, emergency management, the Missouri Department of Conservation, the Missouri Department of Natural Resources, or another governmental authority having jurisdiction when necessary for emergency response, public safety, training, investigation, official fire-control operations, or other lawful governmental purposes.

5.2. Limited Cooking Exception. Unless expressly prohibited in the Burn Ban declaration, this Ordinance does not prohibit outdoor cooking in a commercially manufactured charcoal, wood-pellet, propane, or natural-gas grill or smoker if all of the following conditions are met:

- (a) the appliance is used solely for food preparation;
- (b) the appliance is attended by a responsible adult at all times while in use;
- (c) the appliance is located on a noncombustible surface and separated from dry vegetation, combustible materials, and structures by a safe distance;
- (d) a working water source, fire extinguisher, or other effective extinguishing method is immediately available; and
- (e) all coals, embers, ashes, and heat sources are fully extinguished and safely disposed of.

5.3. More Restrictive Declaration Controls. The Burn Ban declaration may eliminate or narrow any exception stated in this Section when conditions warrant. Any stricter federal, state, county, municipal, or other lawful restriction controls over a less restrictive provision of this Ordinance.

5.4. No Exception for Negligent Spread. An activity otherwise allowed under this Section becomes unlawful if conducted in an unsafe manner, left unattended, or allowed to escape, spread, rekindle, or create a fire hazard.

6.- Enforcement; Penalties

6.1. Misdemeanor Referral. A violation of this Ordinance may be referred to the prosecuting attorney for the county in which the violation occurs for prosecution in accordance with Section 321.220, RSMo, and any other applicable law.

6.2. District Enforcement Authority. The Fire Chief, District officers, and other persons designated by the Board may investigate suspected violations, document fire conditions, collect incident information, issue notices of violation to the extent authorized by the Board, and refer violations for prosecution or civil recovery.

6.3. Continuing Violation. Each act of prohibited Open Burning and each failure or refusal to extinguish a prohibited fire after notice or direction to do so may constitute a separate violation.

6.4. Other Remedies Preserved. Enforcement under this Section is cumulative and does not limit the District's right to recover costs, seek civil remedies, refer matters to other authorities, or pursue any other remedy available at law or in equity.

7.- Fire-Suppression Cost Recovery for Burn Ban Violations

7.1. Cost-Recovery Trigger. If a Responsible Person violates a Burn Ban and the resulting Violation Fire spreads beyond the parcel, tract, premises, or location where the fire originated, including spread to a neighboring property, right-of-way, easement, structure, field, pasture, woodland, or other property, and the District is called to respond, the Responsible Person shall be liable to the District for the actual and reasonable costs incurred by the District in responding to, controlling, suppressing, extinguishing, investigating, monitoring, or preventing rekindle of the Violation Fire, to the extent permitted by law.

7.2. Liability Regardless of Fire Dues or Subscription Status. Liability for costs under this Section applies regardless of whether the Responsible Person, the property where the fire originated, or the property to which the fire spread is current, delinquent, exempt, non-subscriber, subscriber, dues-paying, or non-dues-paying with respect to any fire dues, subscription, membership, service charge, tax, assessment, or other District funding mechanism.

7.3. Recoverable Costs. Recoverable costs may include, without limitation:

- (a) personnel time, including paid, volunteer, administrative, and command time;
- (b) apparatus, vehicle, equipment, and tool use;
- (c) water, foam, fuel, supplies, and consumables;
- (d) mutual-aid or contracted services charged to the District;
- (e) repair, replacement, cleaning, decontamination, or rehabilitation of District equipment, hose, personal protective equipment, or apparatus caused by the incident;
- (f) dispatch, documentation, billing, collection, and administrative costs; and
- (g) legal costs, court costs, and reasonable attorney's fees if authorized by contract, statute, court order, or other applicable law.

7.4. Actual and Reasonable Cost Standard. Amounts billed under this Section shall be based on the District's actual and reasonable costs, a Board-approved fee schedule, incident-specific documentation, mutual-aid invoices, or a combination of those sources. The District may adopt and amend by resolution a fee schedule for personnel, apparatus, equipment, supplies, administrative charges, and related items.

7.5. Invoice; Due Date. The District may issue an invoice to any Responsible Person. Unless a longer period is stated in the invoice, payment shall be due within thirty (30) days after the invoice date.

7.6. Joint and Several Responsibility. When more than one Responsible Person causes, contributes to, authorizes, supervises, or permits a Violation Fire, each Responsible Person may be held jointly and severally liable to the extent permitted by law.

7.7. Administrative Review. A Person receiving an invoice may submit a written request for administrative review to the Board within fifteen (15) days after the invoice date. The request must state the specific basis for contesting the invoice and include any supporting documentation. The

Board may affirm, reduce, withdraw, or modify the invoice. The Board may designate the Fire Chief, District counsel, or another representative to conduct an initial review and make a recommendation.

7.8. Collection. Unpaid amounts may be collected by any lawful means, including demand, payment agreement, referral to collection, civil action, or any other remedy available to the District. The District's decision to invoice or not invoice a Person in any particular incident does not waive the District's right to invoice or collect in any other incident.

7.9. No Limitation on Private Rights. This Section does not determine, limit, waive, or adjudicate private claims between property owners, neighbors, insurers, tenants, occupants, or other persons arising out of a fire or fire spread.

8.- Coordination With Other Laws and Authorities

8.1. Compliance With Other Laws. Nothing in this Ordinance authorizes burning that is prohibited by federal law, Missouri law, Missouri Department of Natural Resources regulations, Missouri Department of Conservation rules, county order, municipal ordinance, nuisance law, air-quality regulation, or any other applicable legal requirement.

8.2. Other Burn Bans. If Pike County, the State of Missouri, or another authority having jurisdiction imposes a burn ban or fire restriction applicable within the District, the District may enforce this Ordinance in coordination with that restriction, and the most restrictive applicable requirement shall govern.

8.3. Farm Buildings and Farm Structures. This Ordinance shall not be construed or enforced to impose regulations or require permits with respect to the erection, maintenance, repair, alteration, or extension of farm buildings or farm structures where prohibited by Section 321.220, RSMo. This limitation does not prohibit the District from restricting Open Burning during a duly declared Burn Ban or from responding to fires involving farm property.

8.4. No Assumption of Duty. This Ordinance is adopted for the protection of the public generally. It does not create a special duty to any individual person or property owner, does not guarantee District response times or outcomes, and does not waive any immunity, defense, limitation, or

protection available to the District, its Board, officers, employees, volunteers, agents, or representatives.

9.- Severability; Repealer; Effective Date

9.1. Severability. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is held invalid or unenforceable by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, and portion regardless of the fact that any one or more portions may be declared invalid or unenforceable.

9.2. Repealer. All prior ordinances, resolutions, rules, policies, or parts thereof in conflict with this Ordinance are repealed to the extent of such conflict.

9.3. Effective Date. This Ordinance shall be in full force and effect from and after its passage and approval by the Board, or on May, 20, whichever is later.

Adopted by the Board of Directors of the Eolia Community Fire Protection District on this 15 day of JUNE, 2026, by the following vote:

Board Member	Yea	Nay	Abst.
Bob	✓		
Dan	✓		
Mike	✓		
Tammy	✓		

*Burn Ban Ordinance
Eolia Community Fire Protection District*

Signed and approved:

Robert W. Street

Chairperson of the Board

6-15-26

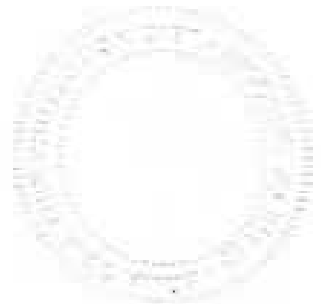
Date

Attested to by:

Reid J. Fane

Secretary

[SEAL]



Approved as to Form:

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