

BILL NO. 03152017-01

ORDINANCE NO. 1193

AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN THE CITY OF TRACY, MISSOURI; TO PROVIDE FOR THE ENFORCEMENT THEREOF, AND MATTERS RELATED THERETO BY ADOPTING TITLE 11, CHAPTER 210, SECTION 210.1105

WHEREAS, the Missouri Department of Natural Resources prohibits burning in the portion of the metropolitan area surrounding the corporate limits of Kansas City and their bordering municipalities, defined as the geographical area comprising Jackson, Cass, Clay, Platte, Ray and Buchanan counties; and

WHEREAS, smoke from outdoor burning in populated areas can present a serious health hazard to individuals with respiratory ailments, including children, elderly people, individuals with cardiovascular disease, and individuals with impaired respiratory function, including asthmatics and those with obstructive airway disease; and

WHEREAS, smoke from outdoor burning is a common cause of complaints between neighbors and may become a public nuisance to residents of the City of Tracy and the traveling public and

WHEREAS, smoke from outdoor burning may pose significant visibility problems for individuals driving within the City of Tracy resulting in accidents and other public safety issues; and

WHEREAS, the Tracy City council wishes to reduce the risk of unwanted fires resulting in property damage, occupant displacement, and personal injury or death from the operation and/or storage of portable outdoor fireplaces in areas of proximity to structures and

WHEREAS, the Tracy City council finds that it is in the interest of the public health, safety, and welfare of the citizens of the City, to strictly regulate outdoor burning.

NOW THEREFORE, be it ordained by the Board of Aldermen of the City of Tracy, Missouri, as follows:

SECTION 1: Definitions

- A. Open burning – The outdoor burning of leaves, tree branches, yard trimmings, grass clippings or other natural vegetation; or any waste generated by a residence, business, trade, industry, salvage, construction or demolition operation.
- B. Portable outdoor fireplaces – A portable, outdoor, solid-fuel burning fireplace that may be constructed of steel, concrete, clay or other non-combustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- C. Person – An individual, heirs, executors, administrators, or assigns, and also includes a firm, partnership, corporation, its or their successors or assigns, or the agent of any of the aforesaid.
- D. Recreational burning and recreational fire – A recreational fire is an outdoor fire where the fuel is not contained in an outdoor fireplace, barbeque grill, barbeque pit, portable outdoor fireplace, or fire pit container. It is used for pleasure, ceremonial, cooking, warmth or similar purposes.

SECTION 2: No person shall cause, allow or permit the open burning of household refuse; leaves, trees, grass or other vegetation; or any waste generated by a business, trade, industry, salvage, construction or demolition operation.


SECTION 3: Open cooking fires and other recreation fires are allowed within approved containers or enclosures and/or under the following conditions:

- A. Fuel for cooking fires shall be limited to natural gas, propane, charcoal, wood pellets or natural wood which has not been treated or painted.
- B. Recreational fires where the burning materials are not contained in an outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit, must not be larger than 3 feet in diameter and 2 feet in height, have a spark arrestor in place and shall be kept at least 15 feet from any structure or combustible material while in use.
- C. Barbeque grills using charcoal as fuel shall not be used on a wooden deck.
- D. Any permitted burning within the meaning of this section shall be constantly attended by competent persons until it is completely extinguished.
- E. There must be a means of extinguishing the fire present at all times.

SECTION 4: No person shall cause, allow or permit open burning on any day a Red Flag Warning Advisory has been issued by the National Weather Service.

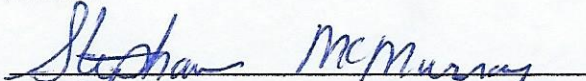
SECTION 5: Violation of this ordinance shall be a misdemeanor and punishable by a fine of not less than \$50.00 nor more than \$100.00 for each day any such burning violation occurs.

READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF TRACY, MISSOURI
THIS 15th DAY OF MARCH 2017.



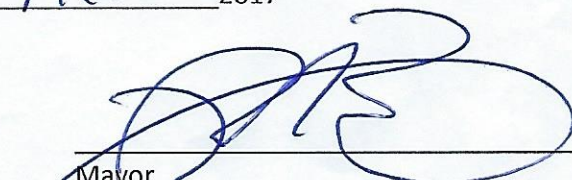
Mayor

ATTEST:



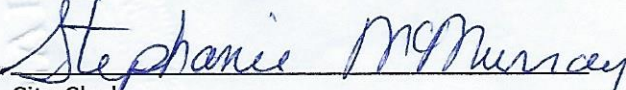
City Clerk

APPROVED THIS 15th DAY OF March 2017



Mayor

ATTEST:



City Clerk