

Article III. Burning Regulations

Section 205.130. Burning in General.

- A. No person shall light, kindle or maintain any residential yard debris fire, recreational bonfire, or authorize any open burning, without approval from the fire chief or his designee.
- B. All burning will be done during daylight hours only.
- C. All fires shall be supervised at all times.
- D. A water source such as a hose or other extinguishing devices shall be readily available at all times.

For the purpose of this Section, "*yard debris*" shall be defined as, but not limited to, the following:

- 1. Grass clippings;
- 2. Leaves;
- 3. Tree Branches, Trimmings, and/or Parts Less Than Six (6) Inches in Diameter.

Such permitted fires shall be limited to piles in size as follows:

- a) On any residential lot less than $\frac{3}{4}$ acre in size, the size of any pile shall be less than three feet in diameter by two feet high.
- b) On any lot of $\frac{3}{4}$ acre or more in size but less than five acres, the size of any piles shall be less than 12 feet in diameter by six feet high and must have clearance of at least 200 feet from any structure.

Section 205.140. Burning relating to land clearing.

Burning relating to land clearing may be allowed at the discretion of the Fire Chief or his designee only upon the following conditions:

- A. Any person wishing to conduct a burn related to land clearing must submit a detailed plan for the burn site with 24-hour contact information for the supervisor of the burn site.
- B. Burning may only take place during daylight hours and must be extinguished prior to sunset in such fashion as to keep from reigniting overnight.
- C. Such a person must ensure that the burn is supervised by at least one person continuously when the burn is active.
- D. Such person must ensure that a method of completely extinguishing the burn is present on-site at all times the burn is active.
- E. Proper clearance must be observed. For purposes of this article proper clearance shall be those in accordance with Missouri Department of Natural Resources 10 CSR 10-6.045 which requires:
 - a. at least 200 yards from any inhabitable structure.
 - b. At least 50 yards from any inhabitable structure when using air curtain destructors

Section 205.150. Prohibited Burning.

Burning will not be permitted under any circumstances during a county-wide burn ban or when the Cartersville Fire Department determines that environmental conditions such as a lack of rainfall or excessive winds may pose a danger to the community.

Section 205.160. Burning which constitutes a nuisance to public health

- A. No person, firm or corporation, within the City of Cartersville, Missouri, shall burn any trash, refuse, or garbage in the open such that the smoke and fumes therefrom shall be emitted, unless in compliance with this Chapter.
- B. It shall be unlawful for any person to burn yard debris on public rights-of-way, streets, alleys and sidewalks, and upon any other public property of the City.
- C. Burning of materials or rubbish for disposal during construction, demolition of buildings or structures is strictly prohibited.
- D. It shall be unlawful for any person to burn any material which causes smoke to effect neighboring properties or which results in ash or debris to affect the property of others.

Section 205.170. Exemptions.

The provisions of this Article shall not apply to the following activities:

- A. Non-commercial preparation of food.
- B. Small ceremonial or recreational fires.
- C. Fires set by the Fire Department for the purpose of training so long as all linoleum, asbestos, shingles and other petroleum products are removed from the building.
- D. Burns at enclosed locations, with environmental emission.

Section 205.180. Penalty

- A. The Police officer on duty or designated official shall go to the site of any open burning which violates this section, inform the property owner or designee, if the property owner or designee is present, that the fire is in violation of City Code and request that the property owner or designee immediately put out the fire, and if present, remove the debris from the public right-of-way, street, alley, sidewalk or public property and into the property owner's yard.
- B. Any violation of this section may result in a citation issued by the police department, the Fire Department being called out to extinguish the fire, and the Street Department to remove the fire debris from any public right-of-way or street site. The property owner shall be liable for cleanup and repair of the fire site.
- C. Property owners may also be responsible for additional costs incurred such as fire department costs or city water used to extinguish the fire.