

CITY OF FALMOUTH
ORDINANCE NO. 2010- 33.03A

AN ORDINANCE CREATING A NEW SECTION OF CHAPTER 93 OF
THE CODE OF ORDINANCES RELATING TO OPEN BURNING.

Be it ordained by the City of Falmouth:

Section 1. That a new section of Chapter 93 of the Code of Ordinances be and hereby reads as follows:

(A) Definitions

1. “Open Burning.” Any fire wherein the production of combustion is emitted directly into the outdoor atmosphere and is not directed thereto through a stack or chimney, incinerator or similar device.

2. “Building Rubbish.” The waste material resulting from construction, remodeling, repair or demolition operations on house, commercial buildings and other structures.

3. “Household Rubbish.” Waste materials and trash, including garbage, normally accumulated by a family in a residence in the course of normal day-to-day living.

(B) No person shall cause or allow any Building Rubbish or Household Rubbish to be burned for the purpose of disposing of same, or for any other purpose. All Building Rubbish and Household Rubbish shall be disposed of in accordance with the provisions of Chapter 52 in this Code.

(C) Except as provided in this section or in other provisions of this Code, Open Burning is prohibited. The Fire Chief or his designee may allow Open Burning for the following purposes:

1. Fires set for the cooking of food for human consumption;
2. Fires set for recreational or ceremonial purposes;
3. Small fires set by construction and other workers for comfort heating purposes when daytime temperatures are below forty degrees Fahrenheit (40°F) if excessive or unusual smoke is not created, the fire is contained in a metal vessel not to exceed the size of a fifty-five (55) gallon drum, and the fire is not left unattended for more than fifteen (15) minutes while workers are present at the job site. Fires must be extinguished whenever workers leave the job site;
4. Fires set for prevention of a fire hazard, including the disposal of dangerous materials if no safe alternative is available;
5. Fires set for the purpose of bona fide instruction and training of public and industrial employees in the methods of fighting fires;
6. Fires set for recognized agricultural, silvicultural, range, and wildlife management practices;
7. Fires set for the purpose of disposing of accidental spills or leaks of crude oil, petroleum products or other organic materials, and the disposal of absorbent material used in their removal, if no other economically feasible means of disposal is available and practical and if a permit has been issued by the Kentucky Natural Resources and Environmental Protection Cabinet; and

8. Fires set for disposal of natural growth for land clearing, and trees and limbs felled by storms, if no extraneous materials such as tires or heavy oil which tend to produce dense smoke are used to cause ignition or aid combustion and the burning is done on days when conditions do not pose a threat of igniting a forest fire.

(D) No person shall cause or allow any open burning for the purposes authorized in subsection (C) without obtaining an open burn permit from the Fire Chief or his designee; provided, however, that no permit shall be required for fires set to cook food for human consumption or for small fires set by construction and other workers pursuant to subsections (C)(1) and (3). The Fire Chief shall establish reasonable rules to regulate the issuance of open burn permits, including conditions that may be placed upon the use of the permit.

(E) No open burn permit shall be granted for any fire that would be in violation of Chapters 149, 150, or 227 of the Kentucky Revised Statutes, Title 401, Chapters 51 or 63 of the Kentucky Administrative Regulations, or other state or local law.

(F) Any person in violation of the provisions of this section shall, upon conviction thereof, be subject to a fine of not less than one hundred (\$100.00) dollars nor more than five hundred (\$500.00) dollars or imprisonment for a term not to exceed twelve (12) months, or both, for each act which shall be a separate offense.

Section 3. This Ordinance shall be effective upon its passage, approval and publication in full as required by law.

Introduced and First Reading: Regular Meeting, June 8, 2010

Second Reading and Enacted: Regular Meeting, July 13, 2010

Signed by Mayor: July 15, 2010

Published in full: July 20, 2010

CITY OF FALMOUTH, KENTUCKY

BY: _____
April K. DeFalco, Mayor

ATTEST:

Terry England
Terry England, City Clerk