

Chapter 125

BURNING, OUTDOOR

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| § 125-1. Outdoor burning prohibited. | § 125-4. Burning on streets. |
| § 125-2. Exceptions. | § 125-5. Liability. |
| § 125-3. Fire Chief authorized to prohibit fires. | § 125-6. Violations and penalties. |

[HISTORY: Adopted by the Village Board of the Village of Fall Creek at time of adoption of Code (see Ch. 1, General Provisions, Art. I.) Amendments noted where applicable.]

GENERAL REFERENCES

Fire Department – See Ch. 35.

§ 125-1. Outdoor burning prohibited.

No person, firm or corporation shall build any outdoor fire within the corporate limits of the Village of Fall Creek, except as set forth in §125-2.

§ 125-2. Exceptions. [Amended 8-8-2011]

- A. Outdoor cooking over a fire contained in a device or structure designed for such use is permitted.
- B. Recreational fires (such as a campfire located at a residence for the purpose of Recreation and personal enjoyment) shall be comply with the following requirements:
 - (1) Fires should be located a minimum of 25 (twenty-five) feet from any structure or any other combustible material or 10 (ten) feet from a lot line.
 - (2) Fires shall be contained in a permanent or portable noncombustible receptacle made and designed for such purpose. A permanent receptacle can be anything from a pre-built outdoor fireplace to one that is built by the homeowner using brick, stone, rock or cement. A portable device can have a maximum diameter of 42 (forty-two) inches placed upon a secured non-combustible surface, or constructed of a non-combustible material and placed on a non-combustible surface.
 - (3) Fires shall not be started or allowed to continue burning when wind speeds exceed 15 (fifteen) miles per hour, nor when wind will cause smoke, combustibles or other materials to be carried by the wind toward any building or other combustible or flammable materials, nor any time the Fire Chief has deemed conditions are too hazardous for burning.
 - (4) Fuel shall consist of dry material only, and it shall not be ignited with Flammable or combustible liquids. Material may not include leaves, recyclable

items, yard waste, rubbish, garbage, trash or any material made or coated with rubber, plastic, leather or petroleum-based materials. The material may not contain any flammable or combustible liquids. The material may not be larger than the receptacle, nor hang out over the sides.

- (5) Adequate fire suppression equipment, such as shovels, fire extinguishers or a water hose or water container shall be present at all times.
 - (6) Fires shall be attended at all times by at least one responsible person of age 18 (eighteen) or older.
 - (7) Tenants must notify and obtain written permission from the property owner prior to initiating any recreational fire.
- C. Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the Fire Chief, may be permitted.
- D. Ceremonial campfires or bonfires, with prior written approval of the Fire Chief may be permitted.
- E. Other occasions of desirable outdoor burning not specified by this section, but not as an alternative to refuse removal or disposal for which other methods are available, may be granted single occasion approval as in Subsections B and C.
- F. Whenever approval and special permit are granted by the Fire Chief under Subsections B.3., C. and D., the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.

§ 125-3. Fire Chief authorized to prohibit fires.

The Fire Chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

§ 125-4. Burning on streets.

No materials may be burned upon any street, curb, gutter or sidewalk.

§ 125-5. Liability.

Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by their fire.

§ 125-6. Violations and penalties.

Any person who shall violate any provision of this chapter shall be subject to a penalty as provided in Chapter 1, General Provisions, § 1-19 of this Code. A separate offense shall be deemed committed on each day on which a violation of any provision of this chapter occurs or continues.