

ORDINANCE NO. 2021-06

AN ORDINANCE AMENDING ARTICLE II OF THE CODE OF ORDINANCES OF THE CITY OF ST. GEORGE, KANSAS, PERTAINING TO OPEN BURNING.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF ST. GEORGE, KANSAS:

Section 1. That Article II of Chapter 12 of the Code of Ordinances of the City of St. George is hereby amended to read as follows:

Section 12-19. Prohibited Burning.

It is unlawful for any person to kindle or maintain any fire in the City, except in compliance with this Article. No person shall set fire to any construction debris, lumber, hazardous waste, chemicals, rubbish, trash, paper, or any materials considered to be environmentally hazardous or items which are unlawful to burn under state or federal law, at any time.

Section 12-20. Permit Required.

A fire may be kindled or maintained on private property within the City, if such fire is otherwise in compliance with this Article. Any person kindling or maintaining a fire on private property shall possess a burn permit issued by the City. Burn permits shall be issued by the Chief of Police, Code Enforcement Officer, or their authorized designee. Permits shall require the payment of a \$20.00 fee to the City and shall expire one year after issuance.

Section 12-21. Fires Requiring City Permit.

Upon obtaining a permit, burning will be permitted under all of the following conditions:

1. Notification shall be made to the City on the business day prior to commencement of the fire. Such notification shall include name, address, date, time, valid permit number, and description of materials intended to be burned.
2. The fire or smoke from the fire does not pose a hazard to any person or property.
3. No material shall be burned in violation of Section 12-19 of this Code.
4. Fires shall be constantly attended by a person at least 18 years of age or older, with adequate and readily available equipment for extinguishment of the fire.
5. No current burn ban is in effect at a city, county or state level.

Section 12-22. Fires Not Requiring City Permit.

a. Recreational fires will be permitted without a Permit under all of the following conditions:

1. The fire or smoke does not pose a hazard to any property.

2. No material shall be burned in violation of Section 12-19 of this Code.
 3. Fires shall not be conducted within 25 feet of a structure, combustible material or a property line, unless contained in a barbecue grill, smoker, barbecue pit or outdoor fireplace.
 4. Fires shall be constantly attended by a person at least 18 years of age or older, with adequate and readily available equipment for extinguishment.
 5. No current burn ban is in effect at a city, county or state level.
- b. These restrictions shall not apply to a residential fireplace, outdoor fireplace, recreational fire, charcoal, gas or wood burners or broilers used in the preparation of food.

Section 12-23 Authority to Extinguish.

Any law enforcement officer or firefighter, and the City's code enforcement officer or other authorized designee, is authorized to order that any fire be immediately extinguished if such fire is determined to be in violation of any of the conditions or requirements set forth in this Article.

Section 12-24 Penalties.

Any person found in violation of any of the provisions of this Article shall, upon conviction, be subject to a fine according to the following schedule:

- First Offense - \$50
- Second Offense - \$100
- Third Offense - \$150
- Fourth Offense - \$200

Any person found in violation of any conditions set forth in city code shall also forfeit any burn permit issued by the city.

Section 2. This ordinance shall take effect and be in force from and after its publication in the official city newspaper.

PASSED AND ADOPTED THIS 8th DAY OF APRIL 2021, BY THE GOVERNING BODY OF THE CITY OF ST. GEORGE, KANSAS.


TIM PRALLE
Mayor

ATTEST:


ELIZABETH WAGONER, City Clerk

