

ORDINANCE NO. 2024-01

AN ORDINANCE OF THE CITY OF LEOTI, KANSAS SETTING FORTH RESTRICTIONS ON THE OUTDOOR BURNING OF TRASH, YARD WASTE, LEAVES AND OTHER COMBUSTIBLE MATERIALS IS PROHIBITED; PROVIDING FOR EXCEPTIONS; PROVIDING PENALTIES FOR VIOLATING THIS ORDINANCE; AND REPEALING ALL OTHER ORDINANCES OR PARTS THEREOF IN CONFLICT HEREWITH

WHEREAS, the open burning of yard waste or other combustible materials may create hazards to property and life when certain environmental conditions exist, particularly dry or drought like conditions.

WHEREAS, smoke and odor resulting from the outdoor burning of trash, yard waste, leaves and other combustible materials may be unpleasant and annoying when weather conditions cause smoke to linger rather than dissipate quickly.

IT IS THEREFORE ORDAINED BY THE GOVERNING BODY OF THE CITY OF LEOTI, KANSAS:

SECTION 1 Purpose. For the protection of life and property and the prevention of unsafe or hazardous conditions, except as hereinafter provided, no outdoor burning, including the burning of trash, yard waste, leaves or other combustibles shall occur in the City of Leoti, Kansas.

SECTION 2. Definitions.

(a) Bonfire means an outdoor fire used for ceremonial purposes with a total fuel load of more than 3 feet in diameter or 2 feet in height.

(b) Fire Pit means a barrier having an inside dimension of 4 feet or less in diameter or inside length and width dimensions of 4 feet or less; designed and installed to contain a recreational fire. Fire pits may be constructed of steel, brick, concrete, clay or other noncombustible material.

(c) Open Burning means the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include recreational fires, fire pits, outdoor fireplaces or road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

(d) Outdoor Fireplace means an enclosed and permanently affixed outdoor fire receptacle, which incorporates a permanently affixed chimney or flue, and is constructed of brick, rock or other masonry.

(e) Portable Outdoor Fireplace means a portable, outdoor, solid-fuel-burning fire receptacle that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fire receptacle may be open in design, or may be equipped with a small hearth opening and a chimney or chimney opening in the top.

(f) Recreational Fire means an outdoor fire where the fuel being burned is not contained in an outdoor fireplace, portable outdoor fireplace, outdoor furnace, barbeque grill or incinerator; has a total fuel load of 3 feet or less in diameter and 2 feet or less in height; for pleasure, religious, ceremonial, cooking, warmth or similar purposes; torches used for decorating/ambiance purposes or to repel insects.

(g) Combustible Waste Material: Wastepaper, cardboard, hay, straw, weeds, litter, rubbish, trash and construction debris.

SECTION 3. Prohibited Burning. No person, firm or corporation shall authorize or permit the kindling or maintenance of any fires for burning the following:

- (a) Hazardous material or dangerous goods.
- (b) Combustible waste material.
- (c) Treated or painted lumber.
- (d) Materials containing hydrocarbons, rubber, grease, asphalt, shingles or items made from petroleum, such as tires, auto parts, plastics or plastic-coated wire.
- (e) Garbage, including wastes from food processing, handling, preparation or consumption.
- (f) Carcasses of dead animals.
- (g) Any material that generates black smoke or offensive odor.

SECTION 4. Bonfires and Open Burning.

(a) No person, firm or corporation shall authorize or permit the kindling or maintenance of any bonfires or open burning of any material without first obtaining a burning permit from the City Clerk, Fire Chief or Code Enforcement Officer.

(b) If a burning permit is issued by the City Clerk, Fire Chief or Code Enforcement Officer, it will be under such terms as may be set out in the burning permit.

(c) The burning permit is not valid until the Fire Chief, Code Enforcement Officer, or their designee has inspected and/or approved the burning site and the burning permit fee, if any, has been paid.

(d) The location for burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of

any structure. Exception: The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

(e) When a burning permit is issued, the person issued the burning permit is to notify the Wichita County Sheriff's Office of the day and the time of day the burning is to be conducted.

(f) Burning is strictly prohibited when surface wind speed is greater than 15 m.p.h., or when banned by local, county or state officials.

(g) Permitted burning may only be conducted between one (1) hour after sunrise and two (2) hours before sunset.

#### SECTION 5. Recreational Fires.

(a) A burning permit is not required for a recreational fire.

(b) The only permitted fuels are charcoal, seasoned wood, manufactured fire logs, natural gas or LP gas.

(c) Recreational fires shall be contained in a fire pit and have a total fuel area of 4 feet or less in diameter.

(d) Recreational fire fuel load shall be 3 feet or less in diameter and 2 feet or less in height.

(e) Recreational fires shall be clear of overhangs, such as tree branches and utility lines.

(f) Recreational fires shall not be conducted within 25 feet of a structure or combustible material.

(g) Recreational fires shall not be conducted within 15 feet of a property line. (h) Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

(i) Burning shall not be conducted during windy conditions or when banned by local, county or state officials.

(j) Recreational fires shall be extinguished if smoke causes an unreasonable interference with the use and enjoyment of another person's property.

#### SECTION 6. Portable Outdoor Fireplaces.

(a) A burning permit is not required for a portable outdoor fireplace.

(b) Portable outdoor fireplaces shall be used in accordance with the manufacturer's specifications, instructions and safety guidelines.

(c) Portable outdoor fireplaces shall not be operated within 15 feet of a property line, structure or combustible material.

(d) Portable outdoor fireplaces shall not be placed on combustible decks or apartment balconies.

(e) Ashes shall be discarded in a noncombustible container and kept outside of any structure.

SECTION 7. Attendance.

(a) Open burning, bonfires, recreational fires and outdoor fireplaces shall be constantly attended and supervised by a competent adult until the fire is extinguished.

(b) A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

SECTION 8. Extinguishment Authority. A fire official, law enforcement officer or city code enforcement officer are authorized to order the permit holder, or the person responsible for the fire, to extinguish the fire if the burning creates or adds to a hazardous or objectionable situation.

SECTION 9. Violations and Penalties. Any person violating any provision of this Ordinance shall be deemed guilty of a code violation and, upon conviction thereof, shall be punishable by a fine not to exceed \$250.00.

SECTION 10. Effective Date. This Ordinance shall be in full force and effect from and after its publication in the official city paper.

Passed by the council and approved by the Mayor of the City of Leoti, Kansas, on the 15<sup>th</sup> day of April, 2024.

City of Leoti, Kansas

By:   
Chris Kreutzer, Mayor

ATTEST:   
Jeannine Hassell, City Clerk

