

AN ORDINANCE TO AMEND SECTION 225.065. OPEN BURNING REGULATIONS, CHAPTER 225 FIRE CODE OF THE MUNICIPAL CODE OF MARYVILLE, MISSOURI.

WHEREAS, Section 225.065. Open Burning Regulations, Chapter 225 Fire Code of the Municipal Code of Maryville identifies a lawful open burning period that is often modified or extended based on weather conditions; and,

WHEREAS, the City Council desires modify the open burning period and open burning restrictions contained therein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARYVILLE, MISSOURI, as follows:

SECTION 1: Title I, Government Code, Chapter 115: Municipal Court of the Municipal Code of Maryville, is hereby amended by adopting Section 115.296: North Star Advocacy Center Surcharge, which shall read as follows and made part of this Ordinance by reference.

Section 225.065. Open Burning Regulations. [R.O. 2008 §230.065; Ord. No. 6632 §1, 3-8-2004; Ord. No. 7015 §1, 5-12-2008; Ord. No. 7096 §1, 3-23-2009; Ord. No. 8186, 6-10-2019]

- A. Unlawful Open Burning. It shall be unlawful to engage in the following acts of open burning.
1. It shall be unlawful to burn or attempt to burn any item other than leaves, small twigs and tree branches which shall not include full trees or stumps;
 2. It shall be unlawful to burn any solid waste, industrial process waste, normal solid waste, or special solid waste, as those terms are defined in Section 220.010;
 3. It shall be unlawful to burn any yard waste if the burn pile is less than twenty-five (25) feet from any structure or other combustible material, is greater than sixteen (16) feet in diameter or is greater than four (4) feet in height;
 4. It shall be unlawful to burn or attempt to burn any item in steel barrels;
 5. It shall be unlawful to burn or attempt to burn any item on the public streets, sidewalks, alleyways or in public rights-of-way;
 6. It shall be unlawful to burn or attempt to burn any item during the period of any burn ban implemented by the City or other governmental entity;
 7. It shall be unlawful to burn or attempt to burn any item if such burning causes emissions (smoke or air contaminants) which are offensive to residents, occupants or individuals in the area, which shall be determined based upon complaints received in the immediate one block area and the general flow of smoke and odors. Under these instances as determined by the Maryville Public Safety Department, the open burning shall be immediately extinguished by the individual responsible for the open burning and shall be deemed an unlawful burning;
 8. It shall be unlawful to burn or attempt to burn any item if such burning is hazardous to other individuals, structures or property as determined by City representatives;
 9. It shall be unlawful to burn or attempt to burn any item in violation or contrary to any provisions of this Section.

B. Lawful Open Burning.

1. Open burning upon permit authorization issued by the Fire Chief in accordance with the applicable ordinances, including Section 540.040 of the Maryville Municipal Code, in order to incinerate areas larger than otherwise authorized herein and/or special events such as bonfires and demolition;
2. Intentional setting of fires to combat or limit existing fires when reasonably necessary in the judgment of the responsible government official;
3. Fires contained within commercially built outdoor fireplaces designed to prevent the spread of flames or embers are permitted on privately owned property of a one- or two-family dwelling for pleasure, cooking, warmth, or similar purposes. Outdoor fireplaces may not be used for burning trash, yard waste (other than small tree branches, cut/broken to fit in the fireplace), rubbish or similar material;
4. Small open flames for heating tar or welding, as well as using acetylene torches, safety flares and the like;
5. Burning conducted in accordance with a permit granted by the Environmental Protection Agency, the State of Missouri or other government agency.

C. Safety Regulations. In order to be lawful, all open burning authorized under this Section must comply with the following safety regulations:

1. All open burning shall have as its primary source of extinguishing equipment a water hose of not less than five-eighths (5/8) inch in diameter connected to the City water supply. Said water supply shall be readily available at all burn sites and be not less than twenty (20) feet from the burn site at all times. All water hoses shall be equipped with nozzles and the hose shall be maintained charged during the period of burning.
2. In lieu of the primary source described above, a minimum of one (1) portable fire extinguisher with a minimum 4A rating or other approved on-site fire extinguishing equipment such as soil, sand, water barrel or water truck shall be for immediate utilization. Said fire extinguishing equipment shall be not less than twenty (20) feet from the burn site at all times and shall be charged and immediately available to extinguish the fire.
3. The individual responsible for the open burning shall be at least sixteen (16) years of age and in constant attendance of the open burning from the commencement of the fire until the fire is completely extinguished and has been drenched or saturated with water.

D. Burning Limitations.

1. The Fire Chief or his/her designee may issue a burn ban within the City limits at any time based on existing circumstances including weather, ground moisture and wind conditions after notifying the City Manager. This burn ban shall be publicized throughout the duration of the ban in a manner designed to provide information to the general public. No burning shall be authorized during such burn ban, notwithstanding any other provisions of this Section.
2. If any otherwise lawful burning is determined by the Maryville Fire Department or other City Official to be hazardous in nature, said open burning shall be immediately extinguished by the individual responsible for the open burning and shall be deemed an unlawful burning. The term hazardous shall be determined and documented by the official, but shall include dangers of secondary burning to individuals or property, as well as other hazardous situations including explosions and air contamination.
3. In the event any burning is instituted in violation of this Section, the Maryville Fire Department is authorized to require said open burning to immediately cease.

SECTION 2: This ordinance shall be in full force and effect immediately upon its passage.

PASSED AND ADOPTED this 27th day of February, 2023.



Tye Parsons, Mayor

ATTEST:



Stacy Wood, City Clerk