

ORDINANCE 21-12

AN ORDINANCE AMENDING ORDINANCE NUMBER 94-001 PROHIBITING THE BURNING OF LEAVES AND TRASH WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF CAMPBELLSVILLE, KENTUCKY AND PROVIDING A PENALTY FOR VIOLATION HEREOF.

WHEREAS, the City's Public Safety Committee proposes an ordinance amending Ordinance 94-001, PROHIBITING THE BURNING OF LEAVES AND TRASH WITHIN THE CORPORATE BOUNDARIES OF THE CITY OF CAMPBELLSVILLE, KENTUCKY AND PROVIDING A PENALTY FOR VIOLATION HEREOF. The amended ordinance is intended to promote public health, safety and welfare of the citizens of Campbellsville, Kentucky by regulating the air pollution and fire hazards of open burning and outdoor burning.

WHEREAS, the City Council of the City of Campbellsville, believes it is in the best interest of the citizens of the City of Campbellsville to regulate legal and illegal burning and restrict the material that can be burned.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMPBELLSVILLE, KENTUCKY AS FOLLOWS:

SECTION I

1. APPLICABILITY.

- a. This subchapter applies to all outdoor burning and open burning within the city.
- b. This subchapter does not apply to grilling or cooking food using charcoal, clean wood, wood pellets, propane or natural gas in cooking or grilling appliances.
- c. This subchapter does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- d. This subchapter does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
- e. This subchapter does not apply to fire training exercises and are compliant with 401 KAR 63:005.

2. DEFINITIONS.

- a. For purposes of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- b. "CAMP FIRE." A small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste, wood or refuse.
- c. "CLEAN WOOD." Natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- d. "CONSTRUCTION AND DEMOLITION WASTE." Building waste materials, including but not limited to shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair and demolition operations on a house, commercial or industrial building, or other structure.
- e. "DEBRIS BURNER." A fire ring or fire pit enclosed by a metal or masonry barrier that does not exceed three (3) feet square or three (3) feet diameter of burning area.
- f. "FIRE OFFICIAL." The Fire Chief, Code Enforcement Officer, police officer or any other person designated by the Mayor of the city to enforce this subchapter.
- g. "OPEN BURNING." Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney, this includes burning in a burn barrel.
- h. "OUTDOOR WOOD-FIRED FURNACE." A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
- i. "PATIO WOOD-BURNING UNIT." A chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- j. "REFUSE." Any waste material, garbage, animal carcasses, and trash or household material except trees, logs, brush, stumps, and other vegetative matter.

SECTION II

1. OPEN BURNING OF REFUSE.

- a. Open burning of refuse, grass clippings, or leaves is prohibited within the city.

2. OPEN BURNING OF TREES, BRUSH, AND STUMPS.

- a. Open burning of trees, logs, brush and stumps is allowed only in accordance with the following provisions:
- b. Except for barbeque, gas, and charcoal grills, no open burning shall be undertaken during periods when the Governor of Kentucky or Taylor County Judge Executive has issued a burning ban applicable to the city.
- c. All allowed outdoor or open burning shall not create a visibility hazard on roadways, generate offensive, noxious or suffocating fumes gases, or vapors and all open burning shall be conducted in conformance with all local and state protection regulations.
- d. Open burning shall be conducted only on the property on which the materials were generated or naturally deposited.
- e. Outdoor campfires for cooking, ceremonies or recreation are allowed. Campfires must be confined and in a properly placed debris burner constructed of metal or masonry. Debris burners shall not be larger than three (3) feet square or three (3) feet in diameter and located not less than twenty-five (25) feet away from any building or not less than ten (10) feet from any adjoining property line. Campfires must be supervised at all times by an adult eighteen (18) years of age or older. No permit shall be required for such fires.
- f. Open burning under this section shall be conducted at least twenty-five (25) feet from any building and 10 feet from any property line.
- g. Except for campfires, open burning shall only be conducted from sunrise to sunset.
- h. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available fire extinguishing equipment as may be necessary for the total control of the fire. One adult must be in attendance of each fire (three fires = three attendees). The adults in attendance must be free from the effects of alcohol and/or illegally used controlled substances and/or prescribed medications that may impair proper judgment.
- i. Open burn fires must not exceed eight (8) feet in diameter or square.

- j. No material may be burned upon any street, curb, gutter, sidewalk, or street right-of-way (this includes ditches).
- k. No fire may be set to a grown up area for the purpose of cleaning up that area.
- l. No open burning or campfires are permitted on city property except as may be approved by the Fire Chief.
- m. Barbeque, gas, charcoal grills, and patio wood-burning units are exempt under this section.
- n. The Fire Chief shall have the authority to implement a temporary burning ban due to environmental conditions including but not limited to high winds or extremely dry conditions. The Fire Chief shall make a reasonable attempt to inform the public of the ban using available resources. If a temporary burning ban is imposed, the Fire Chief shall have the authority to implement alternate burning times. The alternate burning times shall be comparable in length to the temporary burning ban.
- o. The city may temporarily suspend any of the terms and conditions of this subchapter for reasons it deems appropriate. The city, after consultation with the Fire Official or the Fire Marshal, may allow additional open burning times if a storm or storms result in large amounts of downed trees and branches. Such additional open burns shall otherwise comply with the applicable requirements of this subchapter.

3. OUTDOOR WOOD-FIRED FURNACE.

- a. An outdoor wood-fired furnace may be installed in the city only in accordance with all of the following provisions:
- b. The outdoor wood-furnace shall not be used to burn refuse and used to burn only clean wood.
- c. The outdoor wood-fired furnace shall be located at least fifty (50) feet from the nearest residential dwelling which is not on the same property as the outdoor wood fired furnace.
- d. The outdoor wood-fired furnace shall have a chimney that extends at least fifteen (15) feet above ground surface or three (3) feet above the building it serves, whichever is greater. The Fire Official may approve a lesser height on a case-by-case basis if, in the opinion of the Fire Official, it is necessary to comply with the manufacturers recommendations and if a lower chimney height does not create a nuisance for neighbors.

4. PATO WOOD-BURNING UNITS.

- a. A patio wood-burning unit may be installed and used in the city only in accordance with all of the following provisions:
- b. The patio wood-burning unit shall not be used to burn refuse.

- c. The patio wood-burning unit shall burn only clean wood.
- d. The patio wood-burning unit shall be located at least twenty- five (25) feet from the nearest structure which is not on the same property as the patio wood-burning unit.

SECTION III

1. PENALTY

- a. In the event a person violates this section, the Campbellsville Police Department shall have the power to enforce this ordinance.
- b. A first violation shall result in a \$25.00 fine.
- c. A second violation shall result in a \$100.00 fine.
- d. A third and subsequent violation shall result in a \$250.00 fine.
- e. Nothing herein shall prevent an officer, in his or her discretion, from issuing a warning in lieu of citation for a first offense.

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This Ordinance is sponsored by Council Person Sharon Hoskins-Sanders

This Ordinance was introduced and given a first reading at a regular meeting of the City Council held on the 19th day of July, 2021. It received its second reading, passage and become effective at a regular meeting of the City Council held on the 16th day of August, 2021.

ATTEST:



Brenda Allen, Mayor



Cary Noe, City Clerk