Bill # 2002-01 Ordinance # 179

AN ORDINANCE PROHIBITING THE BURNING OF CERTAIN MATERIAL WITHIN THE MUNICIPAL LIMITS OF THE CITY OF FOLEY, ESTABLISHING PENALTIES FOR THE VIOLATION THEREOF AND MATTERS RELATED THERETO:

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FOLEY, MISSOURI, AS FOLLOWS:

SECTION 1: That cities of the fourth class, Foley being such, have the authority to prohibit burning within the City Limits of Foley, Missouri, for the purpose to protect health, safety and welfare.

SECTION 2: Definition of Terms

A. Open Burning-Any burning of combustible materials wherein the products of combustion are emitted into the open air without passing through a chimney or stack

B. Recreational Fires-Open flames for cooking, heating, recreation and ceremonies, providing visible emissions.

SECTION 3: Open Burning Prohibited. No person shall kindle or maintain any bonfire or refuse fire or burn inorganic material, petroleum-based products and/or solvents, or authorize any such fire to be kindled or maintained on private land within the boundaries of the City of Foley except for the following:

a. Fire places and grills. This ordinance shall not apply to indoor or outdoor fireplaces or barbeque grills used solely for entertainment purposes or the preparation of food for human consumption

b. Recreational fires. This ordinance shall not apply to recreational fires when contained within a fire ring or other structure designed for such purpose.

c. Bonfires. A person may kindle or maintain a bonfire or authorize such fire to be kindled or maintained, if such person first obtains a permit from the City Clerk of the City of Foley, if the following conditions are met:

1. The purpose of the fire is instruction of public employees in the methods of fire fighting under the direction of the local fire district.

2. The purpose of the fire is for public gatherings under the legitimate sponsorship of civil, fraternal, religious, education, or similar organization.

3. Only organic materials are used, proper safety precautions are used and the fire is well controlled.

d. Emergency Events. This ordinance shall not apply during times declared as an emergency situation by the mayor. Such emergency situations can include by not limited to, times when extraordinary weather events cause excess amounts of yard waste.

SECTION 4: Control of Fire. All fires permitted under this ordinance shall be constantly attended and controlled by a competent person or persons until such fire is entirely extinguished and no such fire shall be started within ten (10) feet of any combustible wall, fence, building or structure.

SECTION 5: Penalty. Any person, firm, property owner, corporation or other entity violating any provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of up to $500.00 (Five Hundred Dollars) or imprisonment in the county jail for up to 90 days or both such fine and imprisonment.

SECTION 6: Nuisance. Any fire or condition which fails to comply with this ordinance is hereby declared a nuisance.

SECTION 7: Repealer. Any ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8: Severability Clause. If any section, provision or part of this ordinance shall be

adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

SECTION 9: This ordinance shall be in full force and effect immediately upon it enactment and approval.

READ THREE TIMES AND APPROVED THIS 17th DAY OF April, 2002

MAYOR: Billie J. Piechowski

ATTEST: Sylvia F. Collier
CITY CLERK

APPROVED BY THE MAYOR OF THE CITY OF FOLEY, MISSOURI, THIS 17th DAY OF April, 2002.

MAYOR: Billie J. Piechowski

ATTEST: Sylvia F. Collier
CITY CLERK