

ORDINANCE NO. 1735

AN ORDINANCE AMENDING SECTION 18-2 OF CHAPTER 18 OF THE CODE OF THE CITY OF NEODESHA, DEALING WITH OPEN BURNING INSIDE THE CITY OF NEODESHA; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF NEODESHA, KANSAS:

Section One: Section 18-2, of Chapter 18, of the City of Neodesha Code shall be amended to read as follows:

Sec. 18-2. - Open burning.

- (a) It shall be unlawful for any person, firm or corporation to burn rubbish as defined in section 36-399, grass, leaves shrubs, trash, refuse, yard waste, or any other material that makes an offensive odor or heavy dark smoke, in any street, alley, yard or vacant lot within the city except for recreational fires.
- (b) Recreational fires, defined as fires for pleasure, religious, ceremonial, cooking or other similar purposes, shall not be conducted within 25 feet of a structure, combustible material or property line, unless contained in a barbecue grill, smoker, barbecue pit or outdoor fireplace. Conditions which could cause a fire to spread to within 25 feet of a structure shall be eliminated prior to ignition. The Fire Chief may grant a written exception to the 25 feet distance from combustible material for a wood fired fireplace if the owner will install in advance of use a non-combustible surface for the fireplace to set on that is at least 15 feet from any combustible material. Gas fired outdoor fire places are exempt from meeting the 25 feet requirement. Although a gas fired outdoor fireplace may be placed on a wood deck, it can be no closer than 5 feet to a structure. Recreational fires shall be constantly attended by a person knowledgeable in the use of a fire extinguisher. A fully functional garden hose or a 4-A rating fire extinguisher shall be readily available for use at recreational fires. The term "outdoor fireplace" means a commercially designed and built outdoor fireplace with a protective spark arresting screen or a professionally built outdoor fireplace constructed of concrete or approved noncombustible materials. The term "barbecue pit" is defined as a pit that has a circumference no greater than three feet and must have a depth of at least one foot. A barbecue pit shall be constructed of concrete or other approved noncombustible material. The opening of the barbecue pit shall be protected in a secured manner by wire screen covers, constructed of not less than No. 9 gauge wire and not greater than one-inch mesh and must cover the entire circumference of the pit. Outdoor fireplaces and barbecue pits must be approved by the fire chief prior to their first use. It shall be unlawful for any person, firm or corporation to violate any of the provisions of this subsection (b).
- (c) Discontinuance. The fire chief or assistant fire chief is authorized to require that recreational fires be immediately extinguished if such fires are determined to constitute a hazardous condition or are being used to burn rubbish, trash, refuse, yard waste or if the fire chief or assistant fire chief determines that smoke emissions are offensive to occupants of the surrounding property.

Section Two: Old Section 18-2, of Chapter 18, of the Code of the City of Neodesha is hereby repealed.

Section Three: EFFECTIVE DATE. This ordinance shall be in full force and effect after its publication in the official city newspaper.

Passed by the Governing Body of the City of Neodesha, Kansas and signed by the Mayor this 28th day of October, 2020.

ATTEST:

/s/ Stephanie Fyfe
Stephanie Fyfe, City Clerk

/s/ Devin Johnson
Devin Johnson, Mayor

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