

Article II Burning

§ 16-31 **Where permitted.**

§ 16-32 **Permitted burning within building.**

§ 16-33 **Leaves.**

§ 16-34 **Exceptions; application.**

§ 16-35 **through § 16-60. (Reserved)**



§ 16-33 **Leaves, Grass Clippings, Dead Grass, Hedges, Weeds**

[Code 1968, § 8-405]

~~It shall be lawful to burn leaves during the months of October, November, April and May, and other special times as determined by the City Council, if such burning is done on the premises and not on a hard surfaced street, alley or public sidewalk, and such burning shall be under the control of a responsible person and shall not in any way endanger surrounding property, trees, shrubs, etc.~~ **No person shall burn or cause to be burned the following types of materials: leaves, grass clippings, hedges, weeds and other types of materials.**

§ 16-35 **Recreational Fires**

Recreational fires are permitted and shall be confined to a fire pit, ring, or other wood burning device.

§ 16-36 **Outdoor Furnaces**

Definition. "Outdoor furnace" means any equipment, device, appliance or apparatus, including boilers, or any part thereof, which is installed, affixed or situated outdoors for the primary purpose of combustion of fuels to produce heat or energy used as a component of the heating system providing heat for an interior space or water source.

Prohibition. No person shall install an outdoor furnace in the city after the effective date of this section, or use or operate an outdoor furnace installed after the effective date of this section.

Violation. Any person who shall violate the provisions of this section shall be deemed to be responsible for a municipal civil infraction. Each day that such violation continues shall constitute a separate municipal civil infraction. A person found responsible shall be subject to a civil fine in accordance with the schedule of civil fines appearing under Chapter 1. Section 7.

[Code 1968, §§ 1-109, 1-110]

(a)

In this section, the term "violation of this Code" means any of the following:

(1)

Doing an act that is prohibited or made or declared unlawful, an offense or a violation by ordinance or by rule or regulation authorized by ordinance.

(2)

Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.

(3)

Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense or a violation or by ordinance or by rule or regulation authorized by ordinance.

(b)

Any provision of this Code that is made or declared to be a misdemeanor, civil infraction or municipal civil infraction is a violation of this Code.

(c)

In this section, the term "violation of this Code" does not include the failure of a City officer or City employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

(d)

Except as specifically provided otherwise by state law or City ordinance, all violations of this Code are misdemeanors. Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code that is a misdemeanor shall be punished by a fine not to exceed \$500, and costs of prosecution or by imprisonment for a period of not more than 90 days, or by both such fine and imprisonment. However, unless otherwise provided by law, a person convicted of a violation of this Code which substantially corresponds to a violation of state law that is a misdemeanor for which the maximum period of imprisonment is 93 days, is punishable by a fine not to exceed \$500 and costs of prosecution, or by imprisonment for a period of not more than 93 days, or by both such fine and imprisonment.

(e)

Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense. As to other violations, each violation constitutes a separate offense.

(f)

The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

(g)

Violations of this Code that are continuous with respect to time are a public nuisance and may be abated by injunctive or other equitable relief. The imposition of a penalty does not prevent injunctive relief or civil or quasi-judicial enforcement

