

ORDINANCE #ORD2018-23

AN ORDINANCE OF THE CITY OF DUNNELLON, FLORIDA, VACATING AND REPLACING CHAPTER 30, ARTICLE II OF THE CODE OF ORDINANCES, ENTITLED ‘OPEN BURNING’ TO INCLUDE PROVISIONS FOR DECLARATION AND INTENT, DEFINITIONS, PROHIBITIONS, ALLOWED OUTDOOR BURNING, LAND CLEARING/DEMOLITION PERMITS, AND ENFORCEMENT; PROVIDING FOR SEVERABILITY; CODIFICATION; CONFLICTS AND AN EFFECTIVE DATE.

WHEREAS, the City of Dunnellon regulates open burning in order to reduce air pollution and hazards to public safety; and

WHEREAS, the City of Dunnellon no longer has its own fire department and Marion County provides fire suppression, emergency medical transport, and inspection services to the City through Marion County Fire Rescue Department; and

WHEREAS, Marion County has requested that the City of Dunnellon amend its open burning ordinance to substantially match open burning regulations adopted by Marion County; and

WHEREAS, the City Council finds it is necessary and in the best interest of the public health, safety and welfare to update and amend its open burning regulations to substantially match Marion County’s open burning regulations in order to best achieve the City’s goals off reducing air pollution and hazards to public safety.

LEGISLATIVE UNDERSCORING: Underlined words constitute additions to the City of Dunnellon City Code, ~~strikethrough~~ constitutes deletions from the original, and asterisks (***) indicate an omission from the existing text which is intended to remain unchanged.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Dunnellon, Florida, as follows:

SECTION 1. The above recitals (Whereas clauses) are hereby adopted as legislative findings, purpose and intent of the City Council.

SECTION 2. Article II, “Open Burning,” of Chapter 30 of the Code of Ordinances, is hereby vacated and deleted in its entirety and a new Article II, “Open Burning,” of Chapter 30 shall read as follows. The provisions to be vacated and deleted are attached as Exhibit “A.”

Sec. 30-31. - Declaration and intent.

The city council finds and declares that the open burning of materials outdoors may result in or contribute to air pollution and may cause hazards to public safety. The council further finds that regulation of open burning will reduce air pollution significantly. It is the intent of the council to require that open burning be conducted in a manner, under conditions, and within certain periods that will reduce or eliminate the deleterious and noisome effect of air pollution caused by open burning.

Sec. 30-32. - Definitions.

The following phrases or terms when used in this section shall, unless the content otherwise indicates, have the following meanings:

City means the City of Dunnellon.

Department means the Marion County Fire Rescue.

Excessive visible emissions means air pollutants emitted in such quantity as to obscure an observer's view to less than 1,000 feet.

Extinguished means that no visible flame, coals, smoke, or emissions exist.

Open burning means any outdoor fire or open combustion of material which produces visible emissions or products of combustion.

Pile Burning is any burning of silvicultural, agricultural, or land clearing and tree cutting debris originating on site. This type of burning is only allowed with authorization by Florida Division of Forestry

Residential Pile Burning is any pile burning operation that is conducted by a landowner or an individual contracted by the landowner for an existing or planned residential dwelling of not more than two family units. This type of burning is only allowed with authorization by Florida Division of Forestry. This does not include the burning of yard waste defined in Section 08-35.

Sunset is the official time the sun will set as set forth by the U.S. Naval Observatory (tables are available at National Weather Services offices).

Trash means waste materials resulting from the construction, renovation or demolition of a structure and other debris such as paper, cardboard, packing material, pharmaceuticals, cloth, glass, street sweepings, vehicle tires and other like matter. Trash is not synonymous with yard waste.

Treated wood means wood coated or infused with paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromate copper arsenate (CCA), or other wood preservatives or treatments.

Yard waste means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. It includes materials such as leaves, shrub trimmings, brush and palm fronds.

Sec. 30-33. - Prohibitions.

- (a) Any open burning not specifically allowed by this article or by F.S. chs. 590, 823, 877, 51-2, 62-256 is prohibited. No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, burn, conduct or maintain any prohibited open burning.
- (b) The Department, State Division of Forestry or any authorized fire control agency empowered by law or ordinance to extinguish unlawful burning may extinguish, or cause to be extinguished, any fire that does not comply with this rule or is deemed unauthorized by the Department. Any person responsible for unlawful open burning shall bear any applicable costs involved in extinguishing the fire consistent with the provisions of this article.
- (c) No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this article. The open burning of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross-ties, other creosoted lumber, plastics, garbage, or trash is prohibited except as provided in F.S. chs. 590, 823, 877, 51-2, 62-256.
- (d) No open burning may be conducted if the Department determines that weather conditions are unfavorable for safe burning.
- (e) Open burning which reduces visibility on public roadways to less than 1,000 feet is prohibited unless the appropriate regulating authorities have given their permission to control traffic on the affected public roadways.
- (f) Burning within areas designated by the Department as smoke sensitive may be limited or prohibited by the Department.

Sec. 30-34. – Allowed Outdoor Burning.

- (a) Campfires, outdoor fireplace, recreational or ceremonial fire, warming and preparation of food fires, other outdoor heating or cooking devices.
- (b) Open burning or flaring of waste gasses for reasons of safety.
- (c) Open burning is allowed for instruction and training of firefighters or industry under supervision and/or approval of the Department.
- (d) Authorized permitted burns through State Division of Forestry. These fires are only allowed with daily authorization by the Division of Forestry: These types of fires are governed by F.S. chs. 590, 823, 877, 403, 51-2, and 62-256. These fires include but are not limited to: Pile burning, land clearing, agriculture, etc.
- (e) Open burning to reduce yard waste is allowed without the Department's approval providing that all of the following conditions are met:
 - 1. The yard waste was generated on residential premises of not more than two-family units;
 - 2. The open burning is conducted on the premises where the material was generated;

3. The fire is ignited after 9:00 a.m. eastern time and extinguished no later than one hour before sunset provided however that no burning shall be conducted during windy conditions;
4. The fire is enclosed in a noncombustible container or is restricted to a pile no greater than eight feet in diameter built upon ground cleared of all combustible material;
5. The fire is set back at least 25 feet from any wildlands, brush or combustible structure, 50 feet from any paved public roadway and 150 feet from any building other than owned or leased by the individual doing the burning;
6. The fire is attended and adequate fire extinguishing equipment is readily available at all times until fire is extinguished;
7. The moisture content and composition of material being burned is favorable to good burning which will minimize smoke;
8. The open burning does not produce smoke, soot, odors, heat, flame, radiation or other conditions as to create a nuisance. The Department shall have final say as to what constitutes a nuisance; and
9. The material being burned is yard waste only and does not contain paper, plastic, rubber, cloth, roofing material, tar, tires or other similar products.

Sec. 30-35. – Land Clearing/Demolition Permits.

- (a) All land clearing and demolition operations shall require a permit from the State Division of Forestry.
- (b) The State Division of Forestry, if permission to burn is granted, shall issue a burn permit number. The permit may be issued telephonically.
- (c) The City or the Department may recommend that the permit may be revoked for failure to comply with the provisions of this article, or if, as determined by the Marion County Fire Chief or his authorized representative, the open burn is creating a public nuisance due to smoke, flying ash, air traffic or road traffic hazard.

Sec. 30-36. - Enforcement.

- (1) The Department, its agents, employees and such persons as it designates are hereby authorized to enforce the provisions of this section and to issue citations and notices regarding fines and costs provided for herein, pursuant to interlocal agreement.
- (2) The City of Dunnellon adopts Marion County Resolution 15-R-020 outlining the fine and fee structure for illegal burning.
- (3) All fines and restitution will be billed directly from the Department.

SECTION 3. Severability. The provisions of this Ordinance are declared to be severable, and if any Section, sentence, clause or phrase of this Ordinance shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining Sections, sentences,

clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Conflicts. Any Ordinance in conflict with this Ordinance is hereby repealed.

SECTION 5. Codification. It is the intention of the City Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of the City of Dunnellon; that the Sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

SECTION 6. Effective Date. This Ordinance shall be effective immediately upon adoption at the second public hearing.

Upon motion duly made and carried, the foregoing Ordinance was approved upon the first reading on the 13th day of November 2018.

Upon motion duly made and carried, the foregoing Ordinance was approved and passed upon the second and final reading and public hearing on the 10th day of December 2018.

Ordinance Posted on the City's website on November 15, 2018. Public hearing advertised on the City's website on November 15, 2018 and advertised in the Riverland News on November 29, 2018.

ATTEST:

CITY OF DUNNELLON

Amanda Roberts, CMC
City Clerk

C. Dale Burns, Jr., Mayor

Approved as to Form:

Andrew J. Hand, City Attorney

I HEREBY CERTIFY that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida, and on the City's Official Website this 20th day of November 2018.

Amanda Roberts, CMC
City Clerk

EXHIBIT "A"

~~Sec. 30-31. Purpose and intent.~~

~~The council finds and declares that the open burning of materials outdoors may result in or contribute to air pollution and may cause hazards to public safety. The council further finds that regulation of open burning will reduce air pollution significantly. It is the intent of the council to require that open burning be conducted in a manner, under conditions, and within certain periods that will reduce or eliminate the deleterious and noisome effect of air pollution caused by open burning.~~

~~Sec. 30-32. Definitions.~~

~~The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Agricultural burning* means the burning of vegetative material originating on-site in conjunction with the cultivation of an indefinite quantity of land, including gardening or horticulture, fruit growing, and raising of vegetables, trees, shrubs, plants and similar products.~~

~~*Air curtain incinerator* means a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a pit with vertical walls in such a manner as to maintain a curtain of air over the surface of the pit and a recirculating motion of air under the curtain.~~

~~*Broadcast burning* means any silvicultural or agricultural burning of vegetative material, originating on-site, that has not been placed in piles of any kind.~~

~~*Department* means the city fire department.~~

~~*Excessive visible emissions* means air pollutants emitted in such quantity as to obscure an observer's view to less than 1,000 feet.~~

~~*Land clearing operation* means the uprooting or clearing of vegetation in connection with construction for buildings and rights of way, residential or industrial development, or mineral operations, or the initial clearing of vegetation to enhance property value. The removal and destruction of shade trees due to storm or insect damage is included as a land clearing operation. However, it does not include the maintenance burning of yard trash resulting from fallen limbs, branches, or leaves or any other routine property cleanup activities or site preparation, i.e., fires for the growing, raising, or harvesting of crops, timber, or wildlife.~~

~~*Open burning* means any outdoor fire or open combustion material which produces or may produce air pollution.~~

~~*Prescribed burning* means the controlled application of fire to naturally occurring vegetative fuels under specified environmental conditions, and following appropriate precautionary measures, which causes the fire to be confined to a predetermined area and accomplish planned land management objectives.~~

~~*Prescription* means a written plan for starting and controlling a prescribed burn.~~

~~*Residential land clearing* means a land clearing operation that is conducted by a landowner or an individual contracted by the landowner for the purpose of initially clearing vegetation on the property for not more than two family units.~~

~~*Rural land clearing* means any land clearing conducted in areas other than urban service areas as designated on the future land use map, or residential areas, or in any rural areas, and shall not include any land clearing operation that is associated with silvicultural or agricultural activities.~~

~~*Trash* means construction or demolition debris, and other debris such as paper, cardboard, cloth, glass, street sweepings, vehicle tires and other like matter.~~

~~*Windrow* means a long row of vegetative material originating on the site, left to dry before burning.~~

~~*Yard trash* means vegetative matter resulting from landscaping maintenance or land clearing operations, and includes materials such as tree and shrub trimmings, grass clippings, palm fronds, trees and tree stumps.~~

~~Sec. 30-33. Fees, fines and penalties.~~

- ~~(a) Any person violating any of the provisions of this article shall be liable for all damages caused by such violation, which damages shall be recoverable in any court of competent jurisdiction. The civil liability shall obtain whether there is criminal prosecution and conviction or not. Fees, fines and penalties shall be assessed for any and all illegal burns. An illegal burn shall include all provisions relating to violations of the fire prevention and control code, including, but not limited to, warnings, fines to cover the cost of the response and noncriminal penalties, referrals to the city code enforcement board and referral of violations to the state attorney for possible criminal violations.~~
- ~~(b) For each illegal burn first offense where response lasts two hours or less, a written warning shall be issued by the department to the party responsible for such illegal burn. For each illegal burn first offense where response lasts more than two hours, the fine shall be assessed at a rate of \$105.00 per hour.~~
- ~~(c) For each second and subsequent offense involving the same party, the fine shall be assessed at a rate of \$105.00 per hour. The city fire department will be responsible for calculating the hourly rate for personnel and apparatus on the scene for every hour or fraction thereof and for billing the responsible party to recover the cost of such response.~~
- ~~(d) For each third offense and all subsequent offenses involving the same party, the city fire department will refer the matter and all documentation to the state attorney's office for possible criminal prosecution.~~
- ~~(e) All fines collected as a result of this article shall be applied to fire safety and public education programs. The liability for the costs of suppression shall extend to the person, firm or corporation causing, directing, or permitting the activity, as well as to the actual violator. Any change in the amount of any fee, fine and penalty as set out in this section shall be subject to approval by the city council by resolution.~~

~~Sec. 30-34. Prohibitions.~~

- ~~(a) Any open burning not specifically allowed by this article or by F.A.C. 17.256 is prohibited. No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, burn, conduct or maintain any prohibited open burning. The department, the state division of forestry, or any authorized fire control agency empowered by law or ordinance to extinguish unlawful burning may extinguish, or cause to be extinguished, any fire that is unauthorized or does not comply with this rule. Any person responsible for unlawful open burning shall bear any applicable costs involved in extinguishing the fire consistent with the provisions of this article.~~
- ~~(b) No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this article. The open burning of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, garbage, or trash other than yard trash and household paper products is prohibited, except as provided in F.A.C. 17-256,700(6), 51-2-007(1).~~
- ~~(c) Any open burning that is allowed by this article is restricted to the site where the material was generated, and material may not be transported to another property to be open burned, with the following exceptions:~~
- ~~(1) Rural land clearing debris that is generated by the commercial land clearing activities of a person may be transported off-site to be burned by an air curtain incinerator that is owned or operated by that person pursuant to F.A.C. 17.296.401(6), subject to the following conditions:~~
- ~~a. The debris will be transported to property that is owned or leased by the person who generated the land clearing debris.~~
- ~~b. The burning will be temporary in nature, not to exceed six months.~~
- ~~c. The burning meets a setback distance of 300 feet from occupied buildings for air curtain incinerators with vertical refractory lined walls and with forced underdraft air.~~
- ~~d. The burning meets a setback distance of 1,000 feet from occupied buildings for all other air curtain incinerators.~~
- ~~(2) Rural land clearing debris generated from the activities of one or more persons may be transported off site to be burned by an air curtain incinerator with an appropriate state department of environmental protection air pollution permit.~~
- ~~(d) The city fire department is authorized to extinguish any open burning that reduces or potentially reduces visibility at a public airport.~~
- ~~(e) No open burning may be conducted if the department determines that weather conditions are unfavorable for safe burning.~~
- ~~(f) Open burning which reduces visibility on public roadways to less than 1,000 feet is prohibited, unless the appropriate regulating authorities have given their permission to control traffic on the affected public roadway.~~
- ~~(g) Burning within areas designated by the department as smoke sensitive is allowed only between the hours of 9:00 a.m. and one hour before sunset.~~

~~Sec. 30-35. Additional limitations.~~

~~Nothing in this article may be construed to allow open burning which causes or constitutes a hazard to air traffic, which artificially reduces visibility on public roadways to less than 1,000 feet, or which violates other laws, rules, regulations or ordinances.~~

~~Sec. 30-36. Agricultural and silvicultural fires.~~

- ~~(a) Open burning of vegetative material originating on site in connection with agricultural, silvicultural or forestry operations related to the growing, harvesting or maintenance of crops or in connection with wildlife or ecological management is allowed between the hours of 9:00 a.m. and one hour before sunset, provided that permission is secured from the department and the division of forestry of the state department of agriculture and consumer services prior to burning. The department and the division of forestry may allow open burning at other times when there is reasonable assurance that atmospheric and meteorological conditions in the vicinity of the burning will allow good and proper diffusion, and dispersment of air pollutants, and ready control of such fires within the designated boundaries. Broadcast burning must not continue spreading after one hour before sunset. Fires may be set in conjunction with nighttime authorizations until 12:00 midnight, except in areas determined to be smoke sensitive. Such authorizations are valid through to 9:00 a.m. the following morning.~~
- ~~(b) The department may suspend, after reasonable notice, any such permission whenever atmospheric or meteorological conditions change so that there is improper diffusion and dispersion of air pollutants which creates a condition deleterious to health, safety, or general welfare, or which obscures visibility of vehicular or air traffic.~~
- ~~(c) Fires must be attended at all times.~~
- ~~(d) Material that is to be burned in piles or windrows shall be of such a size that visible flame shall not be permitted after one hour before sunset. Restrictions on the size and number of piles may be imposed by the department.
 - ~~(1) The moisture content and composition of the materials to be burned shall be favorable to good burning which will minimize air pollution. The amount of dirt in the piles or rows shall be minimized to enhance combustion and reduce emissions.~~
 - ~~(2) Tires or other prohibited material listed in F.A.C. 512.004(2) shall not be used as starter fuels.~~
 - ~~(3) The open burning must be set back 300 feet or more from any occupied building other than the landowner's buildings and 100 feet from any paved public highway and the prevailing winds must direct the smoke away from the occupied buildings or roads except where smoke sensitive permits have been received from the state division of forestry.~~~~
- ~~(e) Authorization will be obtained from the department and the state division of forestry prior to igniting the burn on the day that the burn is to take place.~~
- ~~(f) Nothing in this section shall relieve any person from complying with any other applicable laws, rules and ordinances.~~

~~Sec. 30-37. Burning for cold or frost protection.~~

~~Open burning or the use of outdoor heating devices for frost or cold protection in connection with agricultural or citrus operations is allowed, provided the fuel and heating device used have~~

~~approval from the department or the state division of forestry or the state department of environmental protection prior to use.~~

~~Sec. 30-38. Standards for rural land clearing.~~

~~(a) Open burning of wooden material or vegetation generated by a land clearing operation (except for agricultural, silvicultural, or forestry operations) or the demolition of a structure is allowed provided that all of the following conditions are met:~~

~~(1) The open burning shall meet one of the following setback requirements:~~

~~a. Residential: Three hundred feet or more away from any occupied building;~~

~~b. Commercial:~~

~~1. Three hundred feet or more away from any occupied building if an air curtain incinerator is used; or~~

~~2. One thousand feet or more away from any occupied building if an air curtain incinerator is not used.~~

~~(2) The open burning shall be set back 100 feet or more from any public highway or road and the prevailing wind shall direct the smoke away from the public highway or road.~~

~~(3) The open burning shall be ignited after 9:00 a.m. and be extinguished one hour before sunset.~~

~~(4) The open burning must be attended at all times.~~

~~(5) The open burning shall be authorized by the city fire chief and the state division of forestry and comply with the requirements of F.S. § 590.125.~~

~~(6) The piles of materials to be burned shall be of such size that the burning will be completed within the designated time. Restriction on the size and number of piles may be imposed by the city fire chief or the state division of forestry.~~

~~(7) The moisture content and composition of the material to be burned shall be favorable to good burning which will minimize air pollution. The amount of dirt in a land clearing open burning operation shall be minimized to enhance combustion and reduce emissions.~~

~~(8) Tires or other prohibited materials listed in F.A.C. 512.004(2) shall not be used as starter fuels.~~

~~(9) Prior to open burning for the demolition of a structure, all insulation, asbestos products, electrical wiring, linoleum, carpeting, roofing materials such as tar paper and asphalt shingles, or other excessive smoke producing or potentially air toxic material shall be removed and an authorization from the city fire chief shall be obtained.~~

~~(10) Prior authorization to use portable air curtain incinerators must be obtained from the city fire chief or the state division of forestry. Air curtain incinerators may operate as portable units provided that the following conditions are met:~~

~~a. Pit width, length, and side walls shall be properly maintained so that the combustion of the waste within the pit will be maintained at an adequate temperature and with sufficient air recirculation to provide enough residence time and mixing for complete~~

~~combustion and control of emissions. Pit width shall not exceed 12 feet, and vertical side walls shall be maintained.~~

~~b.—No waste may be positioned to be burned above the level of the air curtain in the pit.~~

~~c.—Excessive visible emissions are not allowed except for a period of up to 30 minutes during start ups and shutdowns, as those terms are defined in F.A.C. 17-210.200(23), (53), and (59).~~

~~(11)—If the open burning resulting from a land clearing operation is creating a nuisance, or if changing weather or atmospheric conditions creates a real or potential fire safety or air pollution problem, the department may suspend open burning until conditions change.~~

~~(12)—Exceptions to the setback requirements may be granted by the city fire chief if the applicant obtains a signed written statement from every affected resident within the setback area that waives his objections to the open burning associated with the land clearing operation. Written statements must be received by the fire chief 48 hours in advance of the burning.~~

~~(13)—Refractory lined air curtain incinerators with forced underdraft air may commence burning at sunrise and may be charged until sunset, provided they maintain a setback distance of 1,000 feet from occupied buildings located off-site and do not create a nuisance. During such times as the air curtain incinerator is not in operation, public access to the air curtain incinerator shall be restricted.~~

~~Sec. 30-39.—Land clearing permit.~~

~~(a)—All land clearing operations mentioned in section 30-38 shall require a prior permit from the state division of forestry.~~

~~(b)—The applicant shall apply to the state division of forestry, which shall be responsible to issue or deny permission to burn.~~

~~(c)—The state division of forestry, if permission to burn is granted, shall issue a burn permit number. The permit may be issued telephonically.~~

~~(d)—The department may recommend that the permit may be revoked for failure to comply with the provisions of this article, or if, as determined by the county fire marshal or his authorized representative, the open burn is creating a public nuisance due to smoke, flying ash, air traffic or road traffic hazard.~~

~~(e)—The state division of forestry and fire control district affected shall be notified each day by the applicant before the open burn is started.~~

~~(f)—The application for approval shall contain:~~

~~(1)—The name, address and telephone number of the applicant;~~

~~(2)—The exact location of requested open burning; and~~

~~(3)—The name, address and telephone number of the person in charge of the open burn.~~

~~(g)—A reasonable fee may be collected by the fire chief as necessary to pay for the administrative expenses associated with the preparation and issuance of the permit. The fee shall be set by the city council by resolution.~~

~~Sec. 30-40. Industrial, commercial, municipal and research open burning.~~

- ~~(a) Open burning in connection with industrial, commercial, or municipal operations is prohibited, except when the open burning is the only feasible method of operation, or when an emergency exists which requires immediate action to protect human health and safety.~~
- ~~(b) Open burning and the use of outdoor heating devices which are essential to a research project are allowed, provided prior approval is obtained from the fire chief.~~
- ~~(c) The application for approval under this section shall include the following:
 - ~~(1) The name, address, and telephone number of the person submitting the application;~~
 - ~~(2) The type of business or activity involved;~~
 - ~~(3) A description of the proposed equipment and operating practices, and the type, quantity, composition and amount of air contaminants to be released to the atmosphere;~~
 - ~~(4) The schedule of burning operations, if known;~~
 - ~~(5) The exact location of requested open burning;~~
 - ~~(6) If applicable, reasons why no method other than open burning is feasible; and~~
 - ~~(7) Evidence that the proposed open burning has been approved by the fire control authority which has jurisdiction.~~~~
- ~~(d) The city fire chief shall approve such operations or research projects only on specified conditions which protect the ambient air from pollutants and contaminants to the greatest extent and may limit the approval to a specified time.~~

~~Sec. 30-41. Permitted open burning.~~

- ~~(a) A campfire or other fire will be allowed that is used solely for recreational purposes, for ceremonial occasions, or for outdoor noncommercial preparation of food, or on cold days for warming of outdoor workers.~~
- ~~(b) Open burning for the flaring of waste gases is allowed for reasons of safety.~~
- ~~(c) Open burning is allowed for the instruction and training of firefighters or industrial employees under the supervision of the appropriate fire department official.~~
- ~~(d) Open burning to reduce yard trash and household paper products generated on occupied residential premises of not more than two family units is allowed without department authorization, provided that all of the following conditions are met and a permit received from the city fire department:
 - ~~(1) The open burning does not produce smoke, soot, odors, visible emissions, heat, flame, radiation, or other conditions to such a degree as to create a nuisance.~~
 - ~~(2) The open burning is 50 feet or more from any residence on the property where the burning is being conducted.~~
 - ~~(3) The open burning is 100 feet or more from any public highway or road.~~
 - ~~(4) The open burning is ignited after 9:00 a.m. and is extinguished one hour before sunset.~~~~

- ~~(5) The open burning is 300 feet from any occupied building other than that owned or leased by the individual doing the burning.~~
- ~~(6) The open burning is attended at all times.~~
- ~~(7) The open burning is enclosed in a noncombustible container or ground excavation covered by a metal mesh or grill designed to prevent escape of hot ash and embers.~~
- ~~(8) The open burning is at least 25 feet from any woodlands, forest, or brush.~~
- ~~(9) The material being burned is yard trash or household paper products (no plastic, rubber, cloth, roofing material, tar, tires, or other similar products).~~