

**CHAPTER 92: FIRE PREVENTION**

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Section

- 92.01 Fires
- 92.02 Incinerators
- 92.03 Downtown business area
- 92.04 Freestanding outdoor wood burning furnaces
- 92.05 Effective date
  
- 92.99 Penalty

**Cross-reference:**

*Open fires in parks, see § 93.05*

**§ 92.01 FIRES.**

(A) No person shall burn any stumps, leaves, lawn clippings, rubbish, trash, wood, garbage, food containers, paper, or other combustible material in any street, alley, private, or public place, except in an approved incinerator.

(B) This section does not apply to the use of indoor fireplaces, or outdoor campfires in designated areas in public parks.

(C) Outdoor campfires are permitted on private property, so long as they do not burn any material that endangers surrounding property, create a nuisance or are a hazard as determined by the City Manager, Fire Chief, or their designees, and conform to the other regulations of this section. Campfires must be in contained above-ground fire pits that are 36 inches or less in diameter and must meet other reasonable specifications as set by the Fire Chief. Flames must not exceed three feet in height. The campfire shall be not less than 15 feet from any wood-frame structure and not less than ten feet from any fence, tree, hedge, or property line, and adequate provision must be made to prevent fire from spreading with all combustible material removed from the area. All campfires shall be under the direct and constant supervision and control of a person at least 18 years of age.

(D) If a city police officer, Fire Department personnel, City Manager, or designee requests that a fire be extinguished on public or private property for an alleged violation of this chapter, the person shall promptly extinguish the fire.

(E) The City Commission may establish a permit system and fee schedule by resolution for the regulation of outdoor campfires on private property.

(Ord. 06-02, passed 5-15-2006) Penalty, see § 92.99

**§ 92.02 INCINERATORS.**

No incinerator shall be installed without a permit from the City Commission.

(Ord. 06-02, passed 5-15-2006) Penalty, see § 92.99

**§ 92.03 DOWNTOWN BUSINESS AREA**

(A) The burning of trash, garbage, or other debris of any nature whatsoever is prohibited in the downtown business area of the city.

(B) This section shall not prohibit the burning of trash, garbage, or other debris in furnaces or approved incinerators contained in the dwelling units in the business.

(C) The **BUSINESS DISTRICT** shall be defined for the purposes of this section as the area lying between a point 100 feet south of Second Street to a point 200 feet north of Broadway Avenue, and from a point 440 feet west of Main Street to a point 320 feet east of Main Street.

(D) This section shall be deemed to be enacted for the health, safety, and welfare of the citizens and property owners in this congested business area, and bears no relation to zoning areas.

(Ord. 06-02, passed 5-15-2006) Penalty, see § 92.99

#### **§ 92.04 FREESTANDING OUTDOOR WOOD BURNING FURNACES.**

(A) *Definition.*

(1) For the purpose of this section, the term **FREESTANDING WOOD BURNING FURNACE** shall mean any device or structure that:

- (a) Is designed, intended, or used to provide heat and/or hot water to any residence or other structure;
- (b) Operates by burning wood or other solid fuel; and
- (c) Is not located within a residential structure.

(2) Excluded from the definition of a **FREESTANDING WOOD BURNING FURNACE** is any device which is not designed or used to heat a structure other than the structure in which it is located.

(B) *Prohibition.* It shall be unlawful to install or operate a freestanding wood burning furnace, and to cause or permit the installation or operation of a freestanding wood burning furnace, within the city.

(C) *Declaration of nuisance.* Any freestanding wood burning furnace installed or operated in violation of this section is hereby declared a nuisance per se.

(D) *Effective date.* The effective date of this section is May 30, 2006.

(Ord. 06-03, passed 5-15-2006) Penalty, see § 92.99

#### **§ 92.05 EFFECTIVE DATE.**

This chapter, except § 92.04, is effective May 30, 2006.

(Ord. 06-02, passed 5-15-2006)

#### **§ 92.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) Violation of § 92.01 is a municipal civil infraction.

(C) In addition to any other remedies the city may have, whoever violates any provision of § 92.04 is responsible for a municipal civil infraction, and shall be subject to the payment of a civil fine of not less than \$100, plus costs and other sanctions for each infraction. Each day that a violation exists or continues shall constitute a separate and additional violation.

(Ord. 06-02, passed 5-15-2006; Ord. 06-03, passed 5-15-2006)