

ORDINANCE NUMBER ~~652-10~~**AN ORDINANCE AMENDING FOWLER MUNICIPAL CODE CHAPTER 8.04.030(4) REGARDING PUBLIC BURNING.**

WHEREAS, Fowler Municipal Code 8.04.030(4) prohibits all public burning;

and

WHEREAS, the Fowler Board of Trustees finds that public burning under specific controlled circumstances is in the best interest of the residents of the Town of Fowler.

NOW THEREFORE BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF FOWLER

That the Fowler Municipal Code chapter 8.04.030(4) is hereby amended in its entirety as follows:

8.04.030(4) Public Burning.

- a. No person shall set on fire or burn any garbage, rubbish, waste material, hay, grass, grass clippings or any other combustible material in any ash pit, container, receptacle or upon the ground except as set forth in the chapter.
- b. Public burning of grass clippings, leaves, brush and branches with a diameter of one (1) inch or less shall be allowed where a burn permit is obtained from the Town Clerk and notification has been given to Dispatch.
- c. Public burning of residential yards shall be allowed only under the following circumstances: A burn permit must be obtained from the Town Clerk. The property must be inspected by the Town Police. All safety equipment must be identified. i.e. Water hose, shovel, etc.. A time and duration of the burn must be agreed upon. Dispatch must be contacted prior to burn with all pertinent information. i.e. Individuals name, address, time of start of burn and estimated duration of burn.
- d. A person seeking a burn permit (“applicant”) shall complete a Burn Permit Application and submit the application together with a burn permit fee to the Town Clerk.
- e. The Burn Permit fee shall be fifteen dollars (\$15.00).
- f. The Board of Trustees may amend the burn permit fee from time to time by resolution.
- g. A Burn Permit shall be issued only after the on duty Police Officer inspects the premises where the burn will occur for fire hazards and evaluates the weather

immediately prior to the burn. No permit shall issue where the on duty Police officer reasonably believes a fire hazard is present upon the premises or that the weather conditions at the time are not suitable for a burn. Where a Burn Permit is denied, the on duty Police officer shall note on the denied burn permit application the reason for the denial and shall sign the permit application. The Town shall retain one copy of the denied application and the applicant shall be given one copy of the denied application.

h. Where a Burn Permit issues, the person receiving the Burn Permit (“permittee”) shall follow these rules and any additional conditions imposed by the on duty Police officer all of which shall be printed or written upon the burn permit.

i. The permittee shall keep the permit at the burn site at all times during the burn.

ii. The permittee shall burn only grass, leaves, brush and branches with a diameter of one (1) inch or less.

iii. The permittee shall burn only one (1) pile at a time and the burn area shall be no larger than 4ft. x 4 ft. and no higher than 2 ft.

iv. The permittee or his designee shall supervise the burn at all times until the permittee has completely extinguished all burning and smoldering materials. Reignition of the fire shall be prima facia evidence that the permittee failed to completely extinguish all burning and smoldering materials.

v. The permittee shall not burn on any sidewalk, street, or alleyway.

~~vi. The permittee shall not use any accelerant including but not limited to gasoline, diesel fuel, oil, kerosene, or charcoal starter fluid.~~

Deleted: vi. The permittee shall not burn any materials within fifteen (15) feet of any structure, fence, trees, bushes or shrubs.¶

~~vii. The permittee shall connect a garden hose with spray nozzle attached to a water supply and have the hose at the burn site at all times during the burn.~~

Deleted: i

Deleted: i

i. The Town Clerk issuing the burn permit shall sign the burn permit.

j. The Town shall retain one copy of the burn permit and the applicant shall receive one copy of the burn permit.

k. Violation. A violation of this chapter shall be punishable by a fine or not less than fifty dollars (\$50.00) or more than one-thousand dollars (\$1,000.00).

l. Conflicts. To the extent that any conflict exists between this ordinance and any previously adopted ordinance, all previously adopted ordinances are hereby amended to the extent necessary to conform to this ordinance.

m. Emergency Clause. The Town of Fowler Board of Trustees hereby declares that an emergency exists and that this Ordinance is necessary to the immediate preservation of

the public peace, health, and safety and that it shall be in full force and effect upon final publication as provided by law.

INTRODUCED, READ IN FULL, PASSED, ADOPTED AND ORDERED
PUBLISHED THIS 14th DAY OF June, 2010

Deleted: _____
Deleted: _____

Patrick Christensen,

Mayor

Deleted: _____
Deleted: ¶
Formatted: Underline
Formatted: Underline
Deleted: _____
Deleted: _____
Formatted: Underline
Deleted: ¶

Shawn Pagnotta

Town Clerk