

## Ordinance #147

### AN ORDINANCE OF THE CITY OF WASHBURN RELATING TO OPEN FIRES

BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF WASHBURN AS FOLLOWS:

A.) Within the city limits of Washburn, no person shall burn any garbage, solid waste, commercial solid waste, yard waste, household waste junk, refuse, rubbish, construction waste, hazardous waste, buildings or structures. Exception: fires controlled by the Washburn Fire Department.

B.) The use of outdoor grills and barbecues for cooking is permitted

C.) Recreational fires shall be allowed in approved containers or fire pits.

D.) Recreational fires shall be defined as an outdoor fire whose purpose is for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

1. For the purpose of this section, approved container shall be defined as a device specifically designed for the use of burning wood or charcoal, including but not limited to portable fireplaces, fire pits or chimneys. All portable devices shall be equipped with a spark arrestor (i.e. screen, chimney). Fire pits shall be constructed of and completely surrounded by noncombustible materials. The approved container may not be larger than thirty-six (36) inches in diameter. The use of devices made of stone, metal or ceramic construction designed for the purpose of containing fire shall also be permitted provided the total fuel area does not exceed 3 feet in diameter and 2 feet in height. Wood contained in permissible fires shall be no more than 3 feet in length.

2. No approved container shall be located within eight (8) feet of a structure or public way. No approved fire pit shall be located within twenty five (25) feet of a structure or public way.

3. Only clean, unpainted, and untreated wood or charcoal may be used for recreational fires. Chemically treated products, garbage and yard waste, including but not limited to: chemically treated fireplace logs; treated painted or glued woods, such as particle board or plywood; or leaves, grass clippings or garden vegetation, are strictly prohibited. The use of flammable combustible liquids, other than commercially produced charcoal lighter fluid, to start fires is strictly prohibited.

4. All recreational fires shall be constantly attended by a responsible adult until the fire is extinguished. A minimum of one portable fire extinguisher with a 4-A rating or a functional garden hose attached to a functional water source shall be available for immediate use.

5. The fire shall be immediately extinguished any time wind conditions become strong (at or above 15 miles per hour or greater).

E.) Bonfires may be allowed only for officially sponsored activities of civic, educational and religious organizations. Bonfires are not approved for the general public. Allowed bonfires are subject to the following conditions:

1. The organization requesting the bonfire must submit a request to the Washburn Fire Department for review a minimum of 7 days prior to the event.

2. A fire department official will need to inspect the site the day of the burn.

3. The location of the bonfire shall be no closer than 50 feet to any structure, tree, shrub or combustible material and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure or combustible material.

4. The Organization requesting the bonfire will appoint a minimum of 2 adults to act as bonfire supervisors throughout the entire event. The supervisors shall each have a means of communication to alert the Fire Department in the event of any issues.

5. The fuel for the bonfire shall consist only of clean, dry non-treated lumber or firewood stacked no more than 10 feet in height and with a diameter of not to exceed 10 feet at the base of the pile.

6. The use of flammable or combustible liquids, other than commercially produced charcoal lighter fluid, to start the fire is strictly prohibited. Small amounts of paper and kindling should be used. Only dedicated bonfire supervisors will initiate the fire.

7. No one, except the bonfire supervisors and/or emergency personnel shall be allowed within 10 feet of the bonfire throughout the duration of the event. Adequate security measures must be in place to prevent the audience from encroaching on the pile.

8. The bonfires shall be properly extinguished at the end of the activities.

9. The bonfire can be suspended or cancelled at any time during the event if wind conditions become strong (15 mph or greater) or if there are wind gusts in excess of 20 mph, or if the wind begins to carry brands or embers creating a potential for fire extension. Bonfires identified as offensive or objectionable due to excessive smoke or odor emissions may be extinguished by Fire Department officials.

F.) The fire Chief and/or McLean County Sheriff or their designee may prohibit any type of burning that becomes a nuisance based on complaints of irritation of eyes or breathing of others, when the atmospheric conditions or local conditions make such fires hazardous and may order the extinguishment of any fire which creates or adds to hazardous or objectionable situation.

#### PENALTIES

Any responsible party in violation of this Ordinance must pay a civil penalty of fifty dollars (\$50.00) for a first violation in a calendar year; one hundred dollars (100.00) for a second violation in a calendar year; and two hundred –fifty dollars (\$250.00) for a third and any subsequent violations in a calendar year.

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CITY OF WASHBURN:  
Duane Bauer, President

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ATTEST:  
Milissa Price, City Auditor

First Reading: 6-10-2013

Second Reading: \_\_\_\_\_

Final Approval \_\_\_\_\_