

(Published in the *Washington County News* on November 10, 2011)

ORDINANCE NO. 753

AN ORDINANCE AMENDING AND DELETING A CERTAIN SECTION OF ARTICLE 5 OF CHAPTER VI OF THE CODE OF THE CITY OF WASHINGTON, KANSAS, 1985, RELATING TO GRASS BURNING; AND APPROVING THE USE OF OUTDOOR FIREPLACES WITHIN THE CITY LIMITS OF WASHINGTON, KS.

WHEREAS, the Governing Body of the City of Washington, Kansas, wishes to eliminate the fee associated with the application for a grass burning permit within the City of Washington, Kansas; and

WHEREAS, the Governing Body of the City of Washington, Kansas, recognizes the desire of citizens of Washington, Kansas to use and enjoy outdoor fireplaces and yet prohibit burning of brush, rubbish and other garbage within the City limits;

NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WASHINGTON, KANSAS:

Section One. Section 6-502 (11) is hereby amended by striking and deleting all of the provisions thereof and inserting and replacing the following text:

6-502 (11) At such time the fire department determines that on-site attendance by the department is required a \$100.00 fee shall apply.

Section Two. There shall be added to Chapter 6 of the Code of the City of Washington, Kansas, 1985, an Article 6 which shall read and provide as follows:

6-601. DEFINITIONS. The Governing Body adopts from the International Fire Code the following definition for use in this ordinance:

- a. Portable Outdoor Fireplace: A portable, outdoor solid fuel burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

6-602. REGULATIONS. The following regulations shall govern the use of portable, outdoor fireplaces.

- a. Portable outdoor fireplaces shall not be operated within 15 feet of a structure, property line or combustible materials.
- b. Portable outdoor fireplaces shall not be used on a combustible deck.
- c. Outdoor fireplaces, other than portable, must be constructed of noncombustible materials and shall not be constructed within 15 feet of a

structure, property line, or combustible materials unless constructed under the provisions of the International Fire Code.

- d. Outdoor fires that are offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances made such fire hazardous shall be prohibited.
- e. Combustible materials which could cause a fire to spread shall be eliminated or at least mowed short in the immediate area prior to ignition.
- f. Ashes shall be discarded in a noncombustible container and kept outside of any structure.
- g. Only charcoal or clean, dry, and seasoned firewood can be used for fuel. Firewood can be a maximum of 2 feet long.
- h. Use of flammable and combustible fluids such as gasoline, alcohol, diesel fuel, kerosene or charcoal fluid to light and relight fires is prohibited.
- i. Trash, garbage, leaves, brush, asphalt, petroleum products, paints, rubber products, plastics, paper, cardboard, treated wood, construction debris, metal or any substance that normally releases toxic emissions, dense smoke, or obnoxious odors when burned shall not be used as a fuel.
- j. While a fire is burning or smoldering, it must be attended at all times.
- k. Buckets, shovels, garden hose or a fire extinguisher with a 4A or greater rating shall be readily available for use while a fire is burning or smoldering.
- l. Burn bans by the State of Kansas, Washington County, or the City of Washington shall be strictly enforced.
- m. Burning shall be prohibited when wind speeds are in excess of 10 miles per hour.
- n. This ordinance shall be enforced by the Washington County Sheriff's Department or any other law enforcement certified by the State of Kansas.

6-303. PENALTY. Violations of this ordinance shall be a Class B nonperson misdemeanor and shall be punishable by a fine of not less than Twenty Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00) and not more than six (6) months imprisonment plus the costs of the action.

Section Three. Any provision of this ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said ordinance.

Section Four. Any other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section Five. This Ordinance shall take effect and be in full force and effect after its publication in the Washington County News, the official city newspaper.

Passed by the Governing Body of the City of Washington, Kansas, and approved by the Mayor, this 7th day of November, 2011.

Gene Martin, Council President

ATTEST:

Denise M. Powell, City Clerk