

13-230: BURNING PERMIT REQUIRED; APPLICATION, FEE:

No person, firm or corporation shall set fire to or burn any trees, brush, grass and other vegetable matter in the clearing of land for agricultural crop management or land development without having obtained a permit therefor from the fire chief or his designated representative. Application for permit shall be made on such form as specified by the fire chief upon payment to the office of the city clerk-treasurer of an application fee of fifty dollars (\$50.00).

Persons with ownership of property the size of which is five (5) acres or more where landowner desires to conduct and burn of vegetation may apply for a two (2) week open burn permit. Application for permit shall be made on such form as specified by the fire chief upon payment to the office of the city clerk-treasurer of an application fee as established by the Duncan city council and the inspection of the burn site by the fire chief or his designee.

Additional burn sites may be applied for, on the same tract of land upon payment of application fee as established by the Duncan city council for each additional burning site, however only one burn site is allowable per five (5) acres and must be at least five hundred feet (500') from the nearest residence, business structure, and neighboring property other than the property on which the burning is to be conducted. The burn sites must also be five hundred feet (500') from all other burn sites when issued more than one permit for the purpose of more than five (5) acres.

If the applicant has a substantial amount of trees, brush or grass to burn off then the city will send a brush truck for standby upon the applicant's request. However the applicant must pay a minimum of eight (8) hours' usage fee for a brush truck and three (3) personnel at the current rate. If the brush accumulation is larger than the required dimensions of a burn fuel site a pit will be required to burn the fuel in. The size or amount of the fuel at the burn site will determine what can be burned at the discretion of the fire chief or designee. Therefore item 7 of the open burn permit can be the only item excluded. (Ord. 1675, 5-26-2009)

13-231: CONDITIONS APPLICABLE TO BURNING PERMITS FOR DEVELOPMENT AND AGRICULTURE:

A. The burning of trees, brush, grass and other vegetable matter shall be permitted only for the clearing of land for development and agricultural management and in compliance with the following conditions:

1. General written standards shall be established by the fire chief providing for fire safety and site maintenance. The fire chief or his designee may invalidate any permit if written fire safety and maintenance standards are not met or if the fire department responds to an uncontrollable fire due to burning at a permitted site on the property.
2. Burning will not be allowed when wind is over ten (10) miles per hour.
3. There must be twenty feet (20') of protective clearance area around the burn site.
4. Burning time is from one hour after sunrise to three (3) hours before sunset and additional fuel may not be intentionally added to the fire at times outside the limits stated above.
5. Fire extinguishing equipment must be on the premises at each burning site, during burning, i.e., extinguisher, buckets of water, water hose, etc. Any open burning shall be constantly attended until the fire is extinguished.
6. The burning permit will be valid for fourteen (14) calendar days beginning the day it was issued.

7. Size of the burn site fuel shall not be larger than ten feet (10') wide by ten feet (10') in length by ten feet (10') high, from ground surface. Upon request of a land developer and for good cause shown the burn permit may allow a burn pit of fifteen feet (15') wide by fifteen feet (15') in length by ten feet (10') height, however there must be at least two (2) individuals present to monitor the burn.

8. The location of burning must be at least five hundred feet (500') from all residences or any business structures other than those located on the property on which the burning is conducted.

9. Any petroleum based product or similar materials which produce unreasonable amounts of air contaminants may not be burned. If the burning is offensive or a nuisance due to smoke or odor emissions the permit holder must extinguish immediately.

10. The fire chief, or designated representative, shall inspect the site of the proposed burning in the presence of the applicant, and may make such requirements as necessary and appropriate to prevent the spread of any permitted burning, including, but not limited to, provision of firebreaks as a condition of permit approval. In the event that such conditions are provided, verification of compliance shall be a condition of approval to proceed as required below.

11. The holder of the burn permit must provide to the city with (at the time the permit is issued) a ten thousand dollar (\$10,000.00) permit bond or verification of liability insurance in an amount of not less than one hundred thousand dollars (\$100,000.00), with said bond or insurance being subject to lien for any and all damages resulting from said open burning permit. (Ord. 1675, 5-26-2009)

13-232: NOTICE AND APPROVAL TO PROCEED:

The holder of a burn permit(s) shall contact the communication center and have them inform the shift commander on the day of proposed burning and shall not proceed with said burning unless the shift commander verifies the prevailing wind direction and speed as appropriate to any terms and conditions set forth in the permit. (Ord. 1675, 5-26-2009)

13-233: SPECIAL EVENTS:

When there is a special event that would involve outdoor burning such as a bonfire or an outdoor recreational fire, the guidelines will be specifically for the special event. Stipulations include a pit or small retaining wall that will be used as the perimeter for the burn site. This will be for a onetime burn event. The permit holder will be completely responsible for any and all damage caused by the fire.

A. Bonfires:

1. Cannot be larger than eight feet (8') wide, eight feet (8') in length and eight feet (8') high.
2. Must be at least fifty feet (50') from a structure other than those located on the property and five feet (5') from combustible material.

B. Recreational Fires:

1. Cannot be larger than three feet (3') wide, three feet (3') in length and two feet (2') high.
2. Must be at least fifteen feet (15') from a structure other than those located on the property and three feet (3') from combustible material.

C. Extinguishment:

1. Fires shall be constantly attended until the fire is extinguished. The minimum of one portable fire extinguisher, not less than a 4-A rating or other approved extinguishment such as dirt, sand, water barrel, garden hose, or water truck, shall always be available at the site.

2. If for any reason the smoke or odor emissions become a nuisance or offensive the permit holder must extinguish immediately.

D. Permit Fee: No cost. (Ord. 1675, 5-26-2009)

13-234: PENALTY: 

Any person who violates any provision of this article, or terms of an approved burn permit shall be guilty of an offense and, upon conviction thereof, shall be punished by a fine of seven hundred fifty dollars (\$750.00). (Ord. 1675, 5-26-2009)

[Footnote 1:](#) 11 OS § 29-101 et seq.

[Footnote 2:](#) 74 OS § 314.

[Footnote 3:](#) 11 OS §§ 29-106 _ 29-108.

[Footnote 4:](#) 11 OS §§ 28-107, 29-108.