

ORDINANCE NO. 4155

AN ORDINANCE ADOPTING DIVISION 6 OF ARTICLE II AND SECTION 22-30 OF CHAPTER 22 OF THE CODE OF ORDINANCES CONCERNING OPEN BURNING.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLINTON, MISSOURI, AS FOLLOWS:

Section One: Division 6 of Article II of Chapter 22 of the Code of Ordinances of the City of Clinton is hereby adopted to read as follows:

Division 6-Open Burning

22-150. Definitions

As used herein, all terms shall be as defined in the adopted Fire Code from Section 22-29 of this Code of Ordinances.

22.155. Open Burning, Recreational Fires and Fire Pits or Portable Outdoor Fireplaces.

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning within the city limits of Clinton unless conducted and approved in accordance with the following:

a. Permit Required:

A permit shall be obtained from the Clinton Fire Department prior to kindling a fire for recognized silvicultural or wildfire management practices or a bonfire for the purposes of yard or tree debris removal. Applications for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. Open burning shall only be permitted with prior approval from a representative of the Clinton Fire Department, provided that all conditions specified in the authorization are followed.

b. Extinguishment Authority:

When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Clinton Fire Department is authorized to order the extinguishment of the open burning operation and issue a citation if deemed necessary.

c. Location:

The location for open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.

Exceptions:

1. Fires in approved containers, fire pits or portable outdoor fire places, that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

d. Recreational Fires:

Recreational fires are required to be kindled within approved fires pits or outdoor fireplaces and shall not be conducted within 15 feet of a structure or combustible material. Conditions which could cause a fire to spread within 15 feet of a structure shall be eliminated prior to ignition.

e. Fire Pits and Portable Outdoor Fireplaces:

Fire pits shall be constructed of non-combustible materials such as masonry or metal, and shall not be more than 3 feet in diameter and 2 feet in height. Portable outdoor fireplaces shall be used in accordance with manufacturer’s instructions. Fire pits and portable outdoor fireplaces shall not be used on combustible surfaces such as wooden or combustible mulch, and shall not be operated within 15 feet of a structure or combustible material.

f. Attendance:

Open burning, recreational fires and use of fire pits or portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a 4-A rating or other approved on-site fire extinguishing agent, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

g. Prohibited Open Burning:

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous. The Clinton Fire Department shall publicly announce when open burning is prohibited and shall post a notice of the same at a readily accessible location of Clinton City Hall.

Section Two: Section 22-30 is hereby adopted to read as follows:

22-30 Amendment to Section 307 of the Fire Code

Section 307.1 is hereby amended to read as follows:

307.1 General: A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5 and Article II Division 6 of Chapter 22 of the Clinton Code of Ordinances. In the event of conflict, the stricter requirement shall apply.

Section Three: It is intended that the provisions of Section One and Two of this ordinance shall be incorporated into the Code of Ordinances, leaving all other provisions of Chapter 22 in place, unaltered.

Section Four: This ordinance shall be in full force and effect from and after its passage.

Read the first time this 21st day of May, 2024.

Read a second time and passed this 4th day of June, 2024.




Carla Moberly, Presiding Officer

ATTEST:

Ayes 6: Gene Henry, Roger House (via zoom), Austin Jones, Gary Mount, Shelley Nelson and Stacia Wilson

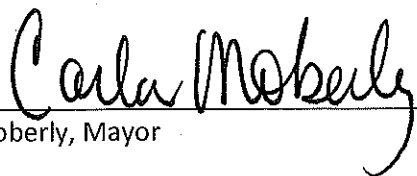
Nays 0

Absent 2: Greg Shannon and Cameron Jackson



Wendea Seaton, City Clerk





Moberly, Mayor