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Article XII. PERMITS FOR OPEN FIRES*

Sec. 7-311. Required.

Permits to maintain fires in the open air will be issued by the **head of the fire department** in accordance with the regulations set forth in this article and upon the terms and conditions provided in this article.

(Code 1965, ss 7-125)

The following definitions shall be used for the provisions of Article XII

1. Chimenea – As defined by the manufacturer; container approved for burning.

2. Fire Pit - As defined by the manufacturer; container approved for burning.

3. Multi Family buildings - A building that contains greater than two dwelling units including town houses.

4. Outdoor Fireplace - As defined by the manufacturer; container approved for burning.

5. Open Air Burning - "the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time the combustion occurs, only apertures, ducts, stacks, flues, or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

6. Attended - under the personal supervision of the permit holder or other adult person acting under his direction, who shall remain at the location of the fire until the fire is thoroughly extinguished

7. Nuisance – Any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

8. Open Burning – An outdoor fire where wood or any combustible material are burned for entertainment.

9. Device – Any Chimenea, Fire pit, Outdoor fireplace as defined in this chapter.

Sec. 7-312, Scope; issuance; restrictions; revocation.

No person shall, maintain or increase a fire in the open air in the city without obtaining a permit from the head of the fire department as provided in this article. Permits for the setting and maintaining of fires in the open air in the city may be issued by the head of the department and subject to such reasonable conditions as the head of the fire department may establish by regulation. Any such permit may be revoked at any time by the head of the fire department.

(Code 1965, ss 7-126)

Such reasons for revocation shall include, but not be limited to, the following:

1. Any situation where the smoke or fire from one of these devices is determined a threat to public safety.

2. Any violation of this ordinance.

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Sec. 7-313. General regulations.

- (a) This article shall be revoked at any time by the head of the fire department. Any fire set or maintained under authority of a permit issued pursuant to this article shall be extinguished upon request by a member of the fire department **or police officer.**
- (b) Acceptance of a permit issued pursuant to this article shall constitute an agreement on the part of the person to whom it is issued to indemnify and save harmless the city from any damage it may sustain or liability it may incur toward third persons by reason of the issuance of such permit or any action taken there under.
- (c) No fire shall be maintained in such manner as to be a smoke nuisance.
- (d) Permits issued pursuant to this article are void in case of high wind.
- (e) Violation of any applicable law or ordinance or any condition contained in a permit issued pursuant to this article shall render this permit void.
- (f) Fires shall be at all times under the personal supervision of the permit holder or other adult person acting under his direction, who shall remain at the location of the fire until the fire is thoroughly extinguished. All fires shall be extinguished not later than sunset, except in cases of Class IV permits and under the exception where express permission is given in permits of other classes.

(Code 1965, ss 7-127)

(h) Propane grills shall not be used inside a building, on decks or porches above the first floor.

(i) Charcoal grills or fires shall not be used inside a building, on decks, or porches and should be located at least 20 feet from any combustible structure.

(j) Permits issued pursuant to this article are void in case of dry conditions.

Sec. 7-314. Classes – Designated.

The following shall be the classes of open fires for permits:

- (a) Class I. *Permits for Chimeneas, Fire Pits, Outdoor Fireplaces and Open Air Burning*
- (b) Class II. Reserved
- (c) Class III. Reserved
- (d) Class IV. Reserved
- (e) Class V. Barbeques

(Code 1965, ss 7-128)

Sec. 7-315. Same – ***Permits for Chimeneas, Fire Pits, Outdoor Fireplaces and Open Air Burning designed as Class I permits, are issued in accordance with the conditions and specifications thereon and shall include:***

1. Permits of this class shall be issued for the use of a Chimeneas, fire pits, outdoor fireplaces, and other similar portable devices designed for outdoor use shall be issued at the discretion of the head of the fire department..

2. The issuance of a Class 1 permit shall require an on-site inspection and approval of the device and the location.

3. The permit for a Class 1 shall not be issued until a satisfactory inspection is made.

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- 4 The applicant must apply and make payment to the Fire Prevention Bureau. At the time of the application, the applicant will be provided with a copy of the ordinance and instructions for requesting inspections**
- 5. A permit shall be valid for one year from the date of issuance.**
- 6. The permit shall carry restrictions requiring that all laws, regulations and ordinances are obeyed.**
- 7. Permits are valid during the hours of 5 PM and 12 midnight.**
- 8. The applicant must show identification to prove ownership of the property.**
- 9. If applicant does not own the property, permission will be required from the property owner.**
- 10. Permits must be available for inspection by any fire officer, acting officer or any police officer.**
- 11. The use of devices are limited to property occupied by one and two-family dwellings.**
- 12. The permit holder shall maintain at least three (3) feet of clearance from any combustible material or item including dried grass.**
- 13. The device shall be located greater than 20 feet from any building or combustible construction or a residential occupancy.**
- 14. The permit holder shall only use dry seasoned firewood ignited with a small amount of clean dry paper.**
- 15. The user shall follow the manufacturer's safety guidelines and instructions.**
- 16. The devices should be sited on a flat, level surface that is non combustible. The device should not wobble.**
- 17. The device shall be constantly attended by an adult while in use.**
- 18. All fires shall be extinguished by midnight.**
- 19. Chimeneas, fire pits, outdoor fireplaces, and other similar portable devices designed for outdoor use shall not be operated or stored on a balcony or deck of any structure or within 20 feet of any building or combustible construction or a residential occupancy.**
- 20. The devices shall not be allowed on property of multi-family homes, or commercial buildings.**
- 21. The device shall not be allowed to be used on any deck, porch or other structure of combustible construction.**
- 22. The burning of yard waste, leaves, vines, evergreen needles, brush, trash, construction materials, branches smaller than 3 inches in diameter, garbage, paper products, anything other than firewood or any other material not allowed by state code or law shall be forbidden.**
- 23. The use of one of these devices in a manner that is contrary to its intended use or manufacturer's instructions is forbidden.**
- 24. Device shall not be used within 20 feet of a canopy, roof or overhang.**

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Sec. 7-317. Same – Class III. **RESERVED**

Sec. 7-318. Same – Class IV. **RESERVED**)

Sec. 7-319. Same – Class V.

Class V permits may be issued to responsible adults to be exercised at a prescribed location, for barbecue purposes only **using a fuel other than charcoal, propane or natural gas**. Spark arresters shall be placed over chimney openings. **Charcoal, propane or natural gas barbecue fires shall not require a permit.**
(Code 1965, ss 7-133)

Charcoal, propane, or natural gas barbecue fires that do not require a permit shall not be located above the first floor of a building and shall be placed where radiant heat will not cause heat damage to any portion of the structure or surrounding items.

Sec. 7-320. Same – Conditions applicable to Class I and Class V permits.

The following conditions shall be applicable to Class I and Class II permits:

- (a) No fire set or maintained under authority of this permit shall be within twenty (20) feet on any building or structure **including roofs, canopies and overhangs**, nor within thirty (20) feet of any combustible rubbish, wood, debris, trees, bushes or standing piles of leaves, branches grass, etc.
- (b) Permit holders shall have premises equipped with garden or fire hose sufficient in length to reach the fire and attached to the faucet with water in the hose ready for immediate use at all times, or watering pots filled with water ready for immediate use at all times while fire is burning.

(Code 1965, ss 7-134)

Secs. 7-321 – 7-330. Reserved.