

Sec. 34-101. - Open burning regulations.

- (a) Open burning of commercial waste, construction materials (except natural wood), residential trash, garbage, lawn debris, clippings, trees or other debris on residential, commercial or industrial property is prohibited within the city.
- (b) The following types of open burning are allowed if pre-approved by the fire chief, or designee, and a permit has been issued by the city:
 - (1) Ceremonial fires, such as flag ceremonies conducted by veteran's organizations.
 - (2) Commercial land clearing operations, under the following conditions:
 - a. In all open burn permits for land clearing or yard waste debris, the applicant shall contact the Florida Forest Service every morning prior to starting the burn. If the Florida Forest Service is suspending land clearing burns because of fire danger conditions, the city open burn permittees will be precluded from burning that day.
 - b. All burning must be conducted at least 100 feet away from any public road or highway and the wind must direct the smoke away from the road.
 - c. Burning shall be allowed between 9:00 a.m. and one hour before sunset.
 - d. The burning must be supervised at all times the material is ignited.
 - e. Piles to be burned must be of reasonable size and contain only clean, dry vegetation. Wet or green vegetation cannot be burned.
 - f. If weather conditions create a potential fire safety or air pollution problem, the fire department may order that burning be suspended, or deferred until such time as the weather conditions are acceptable to the fire department, as determined in their sole discretion.
 - g. Open burning on residential zoned property or property with a residential use shall be conducted a minimum of 300 feet from any occupied structure, unless a greater setback is required by the Florida Forest Service.
 - h. Open burning on property other than residential property with an air curtain incinerator shall be conducted a minimum of 300 feet from any occupied structure. The open burning shall be conducted a minimum of 1,000 feet from any occupied structure if there is no air curtain incinerator.
 - (3) When an emergency condition exists within the city that warrants burning as determined in the sole discretion of the fire chief, or designee.
- (c) The following types of open burning do not require a permit or pre-approval by the fire chief and are allowed if conducted without creating a public nuisance fire:
 - (1) Residential type outdoor fireplaces, metal firepits, chimneys, kilns, ovens, charcoal/propane gas grills or other similar devices.
 - (2) Small recreational campfires or outdoor cooking fires that are constantly attended and are no larger than three feet in diameter with flames no higher than three feet. However, recreational fires shall not be located within 15 feet of a structure or combustible material.

(d) *Permits.*

- (1) Permits for open burning, where required, shall be issued by the city, after approval by the fire chief or his designee. After it has been determined that all conditions precedent to lawful burning have been met; the applicant has contacted the Florida Forest Service and determined if the Florida Forest Service has suspended land clearing burns because of fire danger concerns on that day. Applications for open burning permits shall be on forms to be provided by the city. A fee for the permit shall be set by the city commission.
- (2) Nothing herein shall relieve any person from complying with any other applicable laws, rules and ordinances relating to open burning.

(e) Public nuisance fire is hereby defined as a fire that threatens the public health, safety and welfare as determined in the sole discretion of the fire chief, or designee, which may include a fire that impacts the ability of neighboring properties to enjoy the usual and customary use of their property due to excessive smoke, odor or ash.

(f) In the case of a fire that is prohibited or a fire that is determined to be a public nuisance fire, the person(s) responsible for the fire will be ordered to extinguish the fire by any firefighter or police officer. Failure to extinguish the fire as ordered shall constitute a misdemeanor and the responsible person(s) shall be subject to arrest. The fire department shall extinguish the fire with all costs incurred by the city paid by the person(s) responsible for the fire.

(Ord. No. 2485, § 1, 11-11-97; Ord. No. 2499, § 1, 2-24-98; Ord. No. 2826, § 1, 2-26-08; Ord. No. 2896, § 1, 5-24-11; Ord. No. 2929, § 1, 2-26-13)