

FT. WRIGHT FIRE/EMS	SUBJECT Burn Permits	PAGE 1 of 3	ISSUED 5/14/02	LAST REVISION
RULES AND REGULATIONS	TOPIC: 09-01 Burn Permit-Issuance			AUTHORIZATION Stephen G. Schewe, Chief

**FORT WRIGHT FIRE/EMS
OPEN BURNING REGULATION**

SECTION 93.22 OF THE CITY OF FORT WRIGHT CODE OF ORDINANCES, AS AMENDED BY ORDINANCE 471-1993 ON APRIL 7, 1993:

93.22 - OPEN BURNING OF TRASH:

- (A) It shall be unlawful for any person to suffer the open burning or cause to be burned, in or upon property of land within the confines of the city, trash, foliage, or other debris, except as herein provided.
- (B) The Fire Chief, Fire Inspector or his designee shall issue Burning Permits in accordance with Section C and D of this ordinance. The Fire Chief shall revoke permits in accordance with Section E.
- (C) The following regulations controlling open burning are in accordance with Local, State, and Federal laws, and accepted safety practices of safety organizations such as the National Fire Protection Association:
 - 1) Fires in noncombustible containers shall be a minimum of fifty feet from any structure.
 - 2) All other open fires must be a minimum of 50 feet from any structures, and provisions made to assure that the fire will not spread to within 50 feet on any structure.
 - 3) All open burning shall be attended at all times by a responsible adult until the fire is extinguished.
 - 4) All fires must be extinguished by 5:00 P.M.
 - 5) Appropriate fire extinguishing equipment (i.e. garden hose, fire extinguishers, etc.) must be available for immediate use at all open fires. This requirement may be waived if, in the judgment of the issuing person, it is not practical and the fire is far enough away from any other combustibles to allow it to spread.
 - 6) Open burning shall not be used for waste disposal purposes, except for felled trees and brush. There is excepted from this provision fires for the disposal of hazardous or toxic materials when the EPA determines that there is no practical alternative method of disposal.
 - 7) BURNING FOR LARGE SCALE LAND CLEARING: When large piles will be burned, the permitted must use a mechanical blower of the type to accelerate clean burning. This blower must be approved by an official from the Fort Wright Fire Department prior to starting the fire. EPA regulations state that the emissions from such fires shall have at least forty percent (40%) opacity. There shall also be at least one piece of earth moving equipment, with an operator, on the site until the fire is completely extinguished. This piece of equipment shall be capable of covering the burn site quickly in case an emergency arises. The 5:00 extinguishment time may be waived if there will be someone in attendance at all times until the fire is completely out.
 - 8) Permitted bonfires shall use only seasoned dry firewood as fuel and shall not exceed 5 ft. x 5 ft. x 5 ft. in size. A small quantity of paper may be used to start the bonfire. The size may be increased if it is necessary for longer duration and proper fire safety.
 - 9) Permits are not needed for the following: outdoor cooking fires, outdoor fireplaces, hand-warming fires in noncombustible containers, smudge pots and similar occupational needs.
 - 10) Burning shall not be permitted on Sundays and Holidays.

FT. WRIGHT FIRE/EMS	SUBJECT Burn Permits	PAGE 2 of 3	ISSUED 5/14/02	LAST REVISION
RULES AND REGULATIONS	TOPIC: 09-01 Burn Permit-Issuance			AUTHORIZATION _____ Stephen G. Schewe, Chief

(D) Procedures for Obtaining/Issuing Permits: Permit applications must be filled out and returned to the Fire Department at least three working days prior to the intended burn date. The application shall contain the name/legal entity requesting the right to burn, their address, social security number or tax identification number, date of birth, title/occupation or individual acting for a legal entity, the date, location, time, materials and reason for burning. The person requesting the permit will be required to acknowledge the procedures regarding open burning.

The individual executing the permit for any legal entity shall acknowledge individual acceptance for citation violations and criminal violations of this ordinance, and acknowledge that the agents or employees present and/or in control of the burning site will be cited for violations. The issuing officer must inspect the site of the burn prior to issuing the permit and return the applicant's portion of the permit at least one day prior to the burn date. If the burn date would need to be changed after the permit is issued due to extenuating circumstances, it may be done by telephone or verbally if necessary. Extended permits may be given for things such as construction sites where burning will be conducted several days. The fire department's portion of the permit will be kept on file at least 60 days after the actual burn date. The following agencies must be notified: For Wright Police, For Wright City Office Staff, Kenton County Emergency Dispatch Center, any neighboring departments that may be affected.

Individuals or entities who have been cited in violation of this ordinance, or who have had permits revoked for failure to comply with these provisions on one or more occasion, may be denied future permits.

A Bond to assure compliance with the burning regulations may be required prior to the issuance of a permit at the discretion of the Fire Chief or his designee in an amount not to exceed \$1,000.00.

The Fire Department shall keep a permanent file of all revoked permits and citations of this ordinance for future reference.

(E) Procedures for Suspension and/or Revocation of Permits:

- 1) The Fire Chief or his designee shall have the authority to revoke or suspend a permit for failure to comply with these rules and regulations. If neither the Fire Chief nor an appropriate designee are available, a police officer shall have this authority.
- 2) A permit may be suspended to allow time to correct unsafe conditions. A permit may also be suspended for unsafe conditions in the area, such as drought, high winds, or other emergencies.
- 3) A permit may be revoked for not complying with the regulations set forth in this ordinance, or refusal to comply with orders to correct other unsafe conditions. When a permit is revoked, the fire shall be immediately extinguished.
- 4) Notification of suspension or revocation shall be done immediately by verbal means, and followed by written notification as quickly as possible. The reasons for such actions shall be given, and also recorded on the permit.

FT. WRIGHT FIRE/EMS	SUBJECT Burn Permits	PAGE 3 of 3	ISSUED 5/14/02	LAST REVISION
RULES AND REGULATIONS	TOPIC: 09-01 Burn Permit-Issuance			AUTHORIZATION
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- 5) When extinguishment of a fire is required by this ordinance, it shall be the responsibility of the permitted. If they are not available or capable, or if they refuse, the fire department shall extinguish the fire and the permitted shall be responsible for the cost as set forth in the Cities established fee schedule.
 - a. All revoked permits shall be kept in a separate permanent file for future reference when issuing permits.

- 6) Enforcement: The requirements of Section 93.22 shall be enforced through the City Police Department and/or the Chief of the Fire Department by citation.

- 7) Penalty: The penalties for violation are established as follows:
 - a. Large scale burning, as defined in Section I C(7), Any offense: Class A Misdemeanor, which shall carry a fine not to exceed \$500.00 and a jail sentence not to exceed one year (KRS 83A.065; 534.040(2); 532.090).
 - b. All other burnings – *First offense*: a citation of the violation shall be issued and a fine of \$100.00 imposed.
Second offense: a citation of the violation shall be issued and a fine of \$200.00 imposed.
Third offense: a citation of the violation shall be issued and a fine of \$300.00 imposed.
Offenses after the Third offense are classified as a Class A Misdemeanor, which shall carry a fine not to exceed \$500.00 and a jail sentence not to exceed one year (KRS 83A.065; 534.040(2); 532.090).
 - c. Each cited burning shall be considered a separate offense, and each day of the offense shall be cited as a separate offense.
 - d. Appeals and enforcement of the Administrative citations shall be through the civil division of the Kenton District Court.

This is a permit issued to: _____

for open burning at: _____

and is only valid from: ___/___/___ through: ___/___/___ . Issued by the Fort Wright Fire Department per ordinance 93.22. This permit may be revoked or suspended at any time with cause.

Signed: _____ Date: ___/___/___