

**Sec. 38-82. Open burning.**

(a) *Prohibited.* No person shall build any outdoor fire within the corporate limits of the village, except as set forth in subsection (b) of this section.

(b) *Exceptions.* The provision of subsection (a) of this section shall not apply to:

- (1) Outdoor cooking over a fire contained in a device or structure designed for such use;
- (2) Controlled burning of grass or similar vegetation for environmental management purposes, with the prior written approval of the fire chief;
- (3) Ceremonial campfires or bonfires, with the prior written approval of the fire chief;
- (4) Controlled burning of dry leaves and other nonoffensive dry yard debris during the periods of April 1 through May 31, and October 1 through November 30 of each year, provided, however, that such burning is:
  - a. Monitored by a responsible person until the fire has extinguished itself completely;
  - b. Conducted on days when excessive wind or atmospheric conditions will not result in danger to public health or safety;
  - c. Located off the public street pavement or street gutter;
  - d. Located at least 30 feet from any neighboring residence;
  - e. Not used for covert incineration of offensive substances or materials.
- (5) Other occasions of desirable outdoor burning not specified in this subsection (b), but not as an alternative to refuse removal or disposal for which other methods are available, and which may be granted single occasion approval as in subsections (b)(2), (3) and (5) of this section.

(c) *Permit conditions.* Whenever approval and special permits are granted by the fire chief under subsections (b)(2), (3) and (5) of this section, the permit may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein. Written permission for a fire within the village limits must be issued by the fire chief or chief of police.

(d) *Campfires.* Campfires are allowed within the village only in approved containers, fire pits lined with rocks that are three to four feet in diameter, or a fire ring.

(e) *Authority of fire chief to prohibit.* The fire chief is permitted to prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

(f) *Burning on streets, curbs, gutters and sidewalks.* No materials may be burned upon any street, curb, gutter or sidewalk.

(g) *Liability.* Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by such fires.

(Code 1988, § 3-2-9; Ord. of 8-10-2005(5))