



ARTICLE II. – OPEN BURNING

FOOTNOTE(S):

(26) Editor’s note— Ord. No. 09-06, § 1, adopted Dec. 14, 2009, amended Art. II in its entirety to read as set out herein. Former Art. II, §§ 30-31—30-36, pertained to similar subject matter and derived from Ord. No. 04-04, § 1, adopted April 12, 2004.
Sec. 30-31. – Purpose and intent.

The purpose of this article is to:

(1)

Protect people and property in the Village of Sparta against health, safety, environmental and fire hazards caused by open burning;

(2)

Protect residential neighbors living in close proximity from the excessive smoke and noxious fumes commonly associated with outdoor wood-fired boilers;

(3)

Prohibit the burning of material near public and private roads, streets, places, buildings and structures; and

(4)

Encourage alternative methods of disposing of natural and biodegradable materials.

(Ord. No. 09-06, § 1, 12-14-2009)

Sec. 30-32. – Definitions.

The following definitions shall apply to this article:

(1)

A “barbecue cooker” is any fireproof burner designed to cook, smoke, grill, prepare, or otherwise treat food.

(2)

A “domestic burner” is any fireproof debris burner constructed of metal or masonry with an approved spark arrestor with openings no larger than 3/4 of an inch.

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(3)

An “outdoor wood-fired boiler” is any wood-fired boiler, stove or furnace that is not located within a building or structure.

(Ord. No. 09-06, § 1, 12-14-2009; Ord. No. 10-01, § 1, 1-11-2010)

Sec. 30-33. – General prohibitions.

(a)

Except as provided for in this article, all outdoor burning of any material is prohibited. This prohibition extends to all open, on-the-ground burning, firepits, campfires and recreational bonfires that do not meet the criteria for contained burning provided in this article.

(b)

No person shall install, use or maintain an outdoor wood-fired boiler within the village limits.

(Ord. No. 09-06, § 1, 12-14-2009; Ord. No. 10-01, § 1, 1-11-2010)

Sec. 30-34. – Permissible open burning.

Open burning conducted within either a barbecue cooker, domestic burner or semi-enclosed burning device is permitted provided that:

(1)

Fires within a barbecue cooker, domestic burner or semi-enclosed burning device are gas lit or consist of only charcoal, paper, cardboard, dry leaves, brush, clean untreated lumber, commercially available wood substitutes or commercially available cooking fuels.

(2)

While in use, the barbecue cooker, domestic burner or semi-enclosed burning device is located at least 25 feet from the nearest structure which is not on the same property, including, but not limited to, buildings, fences, woodpiles, sheds, out buildings and utility poles.

(3)

While in use, the barbecue cooker, domestic burner or semi-enclosed burning device is located at least 15 feet from the edge of any roadway.

(4)

While in use, the barbecue cooker, domestic burner or semi-enclosed burning device is located at least ten feet from any structure which is located on the same property, including, but not limited to, buildings, fences, woodpiles, sheds, out buildings and utility poles.

(5)

While in use, the barbecue cooker, domestic burner or semi-enclosed burning device is located at least 1,000 feet from any school while school is in session unless authorized by the village in writing.

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(6)

While in use, the barbecue cooker, domestic burner or semi-enclosed burning device is located at least five feet from any property line.

(7)

Prior to use, the fire chief has approved the type and proposed location of the barbecue cooker, domestic burner or semi-enclosed burning device.

(8)

Open burning permitted under this subsection does not generate noxious odors or excessive smoke.

(9)

Fires permitted under this subsection are constantly attended and supervised by a competent person of at least 18 years of age until the fire is extinguished and cold. Such person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the permitted fire.

(10)

The fire chief has not determined that weather or environmental conditions are such that burning would be hazardous to the health, safety, and general welfare of persons or property in the community and posted a notice reflecting this determination at the village fire station.

(Ord. No. 09-06, § 1, 12-14-2009)
Sec. 30-35. – Exceptions.

The provisions of this article do not apply to the following:

(1)

Burning that is of a commercial nature and that occurs in the ordinary course of business.

(2)

Controlled fires caused and maintained for the training of authorized firefighters.

(3)

Fires required for the prevention or control of disease or pests caused and maintained by the fire department or an appropriate state or federal agency.

(4)

Fires confined to a fireplace, wood-fired boiler or woodstove built or installed in compliance with applicable building and fire code requirements located inside a completely enclosed building.

(Ord. No. 09-06, § 1, 12-14-2009)
Sec. 30-36. – Enforcement and penalties.

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A violation of this article shall be a municipal civil infraction punishable and enforceable as provided in section 1-7 of this Code. This article shall be enforced by such person or persons as the village council shall authorize by resolution.

(Ord. No. 09-06, § 1, 12-14-2009)

Secs. 30-37—30-70. – Reserved.