

CHAPTER 47
CONTROLLED OPEN BURNING

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47.01 PURPOSE. The purpose of this chapter is to provide for the safety and welfare of residents and property in the County during controlled open burning and to define the provisions and procedures for implementing penalties for noncompliance.

47.02 DEFINITIONS. For purposes of this chapter, the following terms are defined.

1. “Building” means any roofed or walled structure built for temporary or permanent use.
2. “Controlled open burning” means the intentional setting of a fire to dispose of property, or for the maintenance of brush, grass, or farmlands, or for any other lawful purpose in the County, outside the corporate limits of cities within the County.
3. “Fire suppression” means providing an ample water supply to spray or dump water directly onto a fire for suppression and control or having equipment available to impede the progress of a fire. Equipment may be farm machinery, farm implements, or other general equipment or implements capable of creating a firebreak to suppress or control a fire.

47.03 REGULATORY AUTHORITY. The authorities responsible for implementation and enforcement of this chapter are the Sheriff’s Department, the Fire Chief of the individual fire district in which a fire is located within the County, or the Coordinator for the County Emergency Management Office, and those officers are hereby authorized to issue civil citations for the violation of this chapter. The Emergency Management Coordinator is designated to receive and disburse funds collected for violation of this chapter.

47.04 RESTRICTIONS ON CONTROLLED OPEN BURNING. Any person who intentionally ignites a fire shall provide fire suppression sufficient to control the fire from spreading out of control. The fire suppression method shall be in place prior to ignition of the fire. Other than the supervised use of outdoor fireplaces, barbecue grills, properly supervised landfills, or the burning of trash incinerators or trash burners made of metal, concrete, masonry, or heavy one-inch wire mesh with no openings greater than one inch square, all persons engaging in open burning shall be required to give notification to the Sheriff’s Office prior to the controlled open burn. Notification shall be given as to the name, address, location, and time when the controlled burn is to take place and the fire suppression methods utilized. Any person who fails to give proper notification to the proper authorities prior to the controlled open burn may be found in noncompliance with this chapter.

47.05 COMPLIANCE. In the event additional fire suppression is requested or required from the jurisdictional fire department to extinguish any fire that is out of control, the person responsible for the controlled open burn will be deemed to be in noncompliance with this chapter.

47.06 ENFORCEMENT. In the event additional help is requested or required from the jurisdictional fire department to extinguish a controlled fire, an officer of the Sheriff’s Office shall be dispatched to the scene of the fire to file a report of the incident. If after investigation and a finding that fire suppression was not sufficiently provided for prior to the ignition of the fire, or the fire was out of control, or entered upon another person’s property, the person responsible for the fire may be cited for noncompliance with this chapter.

47.07 PENALTIES. Penalties collected for noncompliance of this chapter shall, to the extent provided by law, be payable to the County Emergency Management Agency for deposit into a fund for reimbursement to the individual fire department for their response to the fire scene.