

Chapter 7

Burning

Section 7-1 Open burning prohibited.

No person shall permit, cause, or allow to be caused, any open burning of any paper, garbage, leaves, grass, wood, trees, trash or other refuse substance or materials of any kind or nature, at any time, within the city limits.

Section 7-2 Exceptions.

Open burning is permitted at the City of Menno Restricted Use Site during appropriate hours and during such times as weather conditions will permit. The fire is to be lit, maintained, and supervised by an authorized city official at all times. Burning is to be done when the wind direction will carry the smoke/odor away from the city.

Open burning of a building, ditch, tree stump, or any other material that is not able to be relocated to the City of Menno Restricted Use Site will be allowed under the following conditions:

- A. An "application for a Burn Permit" and a \$10.00 permit fee must be filed with the city finance office to be presented to the city council at the next regular meeting of the city council.
- B. The city council, upon motion and second, will set a hearing date and time for the approval/denial of the submitted application.
- C. A "Notice of Intent to Burn" must be published once prior to the hearing at the expense of the applicant.
- D. The city council will hear all persons with comments pertaining to the approval or denial of submitted application at the designated hearing date and time.
- E. The city council, upon motion and second, will approve or deny the submitted application.

Recreational fires, as defined in Section 1-3, are permitted within the City provided the following requirements are met: **(added October 9, 2007)**

- A. The fire is contained within a structure, fire pit, or other apparatus designed to contain the fire to such area;
- B. Such fire is constantly attended by a responsible adult knowledgeable in extinguishing fires;
- C. Such fire does not generate smoke which results in a complaint by one or more neighbors;
- D. Such fire is not done during periods of dry conditions when the chance of accidental fire to the surrounding area is increased; and
- E. Such fire is immediately extinguished upon notification by law enforcement personnel that in his/her opinion such fire constitutes a hazardous condition.

Section 7-3 Application is approved.

- A. The finance office will deposit the permit fee and return the original application with the appropriate signatures to the applicant prior to the proposed burn date and time.
- B. The “Burn Permit” must be available for inspection at the location of the burn during the entire burning process.
- C. The local fire department must be notified prior to the proposed burn date and time.
- D. The approved burn location must be attended at all times during the burning process.

Section 7-4 Application is denied.

- A. The finance office will return the permit fee and the original application to the applicant.
- B. The applicant may reapply not sooner than 30 days from the previous denial nor more than six (6) times per annum for the same request and location.