

ORDINANCE NO. 23-08

AN ORDINANCE REQUIRING A PERMIT FOR BURNING AND SETTING FIRES WITHIN THE CORPORATE LIMITS OF THE CITY OF SOMERSET KY BY FIRST OBTAINING APPROVAL AND WRITTEN PERMIT OF THE SOMERSET FIRE DEPARTMENT.

WHEREAS the City has an interest and duty to protect its citizens and property in the City, and,

WHEREAS the regulation of burning material in the City by the city's professional fire department provides for the health and safety of persons and property in the City

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF SOMERSET KY:

Burning and setting fires within the corporate limits of the City of Somerset KY shall require a permit in accordance with the following regulations and provisions:

(A) The Somerset Fire Department shall be notified prior to burning commencing. The site will be inspected by the Fire Chief and/or a member of the Somerset Fire Department appointed by the Fire Chief. Upon inspection of the type of material, size of burn and weather conditions, a permit may be issued for that burn. The form and information on the permit will be substantially the same as depicted on the sample form attached to this Ordinance and incorporated herein as though here set forth in full. All issued permits shall be readily available at the burn site and shall be produced when requested by any member of the Fire Department or the Police Department; failure to produce a permit shall authorize City personnel to immediately extinguish any existing fire. Permits may be obtained by contacting Somerset Fire Department by phone, in person, or by calling 911. No advance permits shall be issued due to changing weather conditions. The permit is nontransferable and may be used for only one location and one permissible burn.

(B) The following conditions must be met after issuing a permit for burning:

(1) A competent adult at least 18 years of age or older shall be present at all times. No person shall start or have any fire whenever there may be danger of such fire spreading beyond the control of the person so starting, or having such open fire to injure, damage or endanger the life, limb or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.

(2) A means of fire control will be readily available.

(3) All fires shall be located at a safe distance from any structure, street, sidewalk, vehicle, or overhead power lines.

(4) A burn site may be ordered discontinued if the open burn presents dangerous, hazardous, or unhealthy conditions, as determined by the Somerset Fire Dept.

(5) Materials other than naturally occurring vegetation and wood, including processed lumber are strictly prohibited. Flammable liquids or other materials that produce dense smoke shall also be strictly prohibited.

(6) Burning shall be permitted only when winds do not exceed 15 miles per hour as reported by the Weather Service during the entire period of burning. Fire department personnel can further restrict burning based on the wind conditions of the actual burn site.

(7) To reduce smoke, burn pile dimensions should be kept to a minimum and wet material shall not be burnt.

### (C) BURN/FIRE PIT FIRES.

Burning in "Fire pits" shall be permitted without the issuance of a permit for the purposes of cooking food for human consumption, recreational or ceremonial purposes, or as a "keep warm" fire used on construction sites during cold-weather months providing all of the following conditions are met before burning.

- (1) The burn/fire pit shall be of sturdy construction consisting of a metal ring or masonry. A chiminea or other UL listed structure is preferred. If a commercial chiminea or other UL listed fire ring is used, the manufacturer's safety precautions should be followed.
- (2) A competent adult of at least 18 years of age shall be present at all times. No person shall start or have any fire whenever there may be danger of such fire spreading beyond the control of the person so starting, or having such open fire so as to injure, damage or endanger the life, limb or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.
- (3) A means of fire control will be readily available, water hose, sand or approved water extinguisher is preferred.
- (4) No unapproved materials shall be burned. Materials other than naturally occurring vegetation or wood, as well as flammable liquids or other materials that produce dense smoke shall be strictly prohibited.
- (5) Weather conditions are permissible. Burning shall be permitted only when winds do not exceed 15 miles per hour at the actual burn site as reported by the Weather Service during the entire period of burning.
- (6) The fire shall be located at a safe distance from any structure, street, sidewalk, vehicle, or overhead power line.
- (7) There shall be no overhanging tree limbs.
- (8) At no time should burning materials be outside and/or hang past the burn/fire pit.
- (9) Use of a burn/fire pit may be ordered discontinued if it presents dangerous, hazardous, or unhealthy conditions, as determined by the Somerset fire dept.

- (D) Any burning must also comply with any applicable statutes, rules, or regulations of any agency of the commonwealth of Kentucky, or United States of America.
- (E) Those permitted to burn according to this ordinance must indemnify and save harmless the City of Somerset KY from all liability for any damage to persons, personal property, or real property arising from any burning.
- (F) Any person convicted of violating any of the provisions of this ordinance may be punished by the denial of future permits for up to one year from the date of the offence AND a fine not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). Each violation shall constitute a separate offense.
- (G) This ordinance shall take effect from and upon its passage and approval as required by law.
- (H) Ordinance Number 629 which previously governed open burning is repealed and supplanted by this Ordinance.

First Reading: June 12, 2023 Second Reading & Vote June 26, 2023

Approved:



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Alan L. Keck, Mayor

Attested:



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Nick Bradley, City Clerk



## BURN PERMIT FORM

All residents must register a burn permit with the Somerset Fire Department prior to burning. Before the permit to burn is issued, a member of the fire department will inspect the location to make sure that all requirements and safety concerns are met.

<b>Name:</b>	<b>Person in Charge of Fire:</b> <i>(If different from person filling out permit)</i>
<b>Phone Number:</b>	<b>Date:</b>
<b>Location of Burn:</b>	
<b>Burn Type:</b> <i>(select one)</i> <input type="checkbox"/> Residential / Yard Waste <input type="checkbox"/> Commercial / Land Clearing / Agricultural	
<b>Comments:</b>	

A signed copy of this permit must be kept on scene until the burn is complete.



***Read the following safety guidelines. You must read every section and initial its box before approval of your burn permit form.***

## **\_\_\_\_\_ BURN PERMITS**

### **Issuance**

Burn Permits shall be valid for one day starting on the day of issuance and may be revoked at any time by a fire official.

### **Attendance and Extinguishment**

Fires shall not be left unattended and shall be completely extinguished upon completion.

### **Adult Supervision**

Burning activity must be continuously supervised by a responsible adult property owner or occupant of the property. This person must be 18 years of age or older.

## **\_\_\_\_\_ MATERIALS**

### **Yard Waste Only**

Burning is limited to yard waste such as twigs, tree limbs, hedge clippings, etc. The burning of processed lumber, trash and related refuse is strictly prohibited at all times.

### **Size of Piles**

To ensure control and safety, burn piles are to be kept to a size pending the extinguishment capabilities and available burning area.

### **Minimize Smoke**

To reduce smoke, burn pile dimensions should be kept to a minimum and leaves, grass clippings and wet material shall not be burnt.



## **PARAMETERS**

### **Address**

Permit shall be limited to the Burn Location address listed on the permit and shall not be transferred to another address.

### **Safe Distance**

Burn pile shall be at a safe distance from any structure, sidewalk, vehicle, and power lines depending on the size of the pile. This distance will be determined at the time of inspection.

### **Private Property**

At no time shall burning occur within the public right-of-way and/or setbacks along city streets, street curbs or sidewalks.

### **Ignition Material**

Burn piles are to be ignited with dry material only; at no time is gasoline or other flammable fuels used as an ignition source.

### **Windy Conditions**

Burning shall be permitted only when winds do not exceed 15 miles per hour as reported by the Weather Service during the entire period of burning. The inspector can further restrict burning based on the wind conditions of the actual burn site.

### **Burn Bans**

All open burning shall cease immediately upon the order of the Fire Department, the issuance of a county-wide or Kentucky Division of Forestry burn ban due to extreme dryness, drought, high winds, or other hazardous conditions.



**\_\_\_\_\_ BURN COMPLAINTS**

Occasionally, the Fire Department may be summoned to a complaint of burning. Based on the complaint, the Department may respond to determine the nature of the call and ascertain if a Burn Permit has been issued to the address. In most cases, if a permit is issued to the address and provisions of the permit are met, the permit applicant will be allowed to continue to burn. However, if it is found there is no permit issued, or the permit application is not meeting the provisions of this permit, a citation with a possible fine may be issued. Complainants will be asked to provide their name, address and telephone number as a part of the burn complaint report.

Failure to comply with the regulations noted on this form and in the city of somerset's burning ordinance may be punished by the denial of future permits for up to one year from the date of the offence AND a fine not less than one hundred dollars (\$100) nor more than two hundred fifty dollars (\$250). Each violation shall constitute a separate offense.

I have read, signed, and agree to abide by the above regulations.

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**S.F.D. Approval**

Name: \_\_\_\_\_

Rank: \_\_\_\_\_

Signature: \_\_\_\_\_