

ORDINANCE NO. 2697

AN ORDINANCE AMENDING SECTION 9.20.020 OF THE GARDNER MUNICIPAL CODE RELATING TO THE EXEMPTIONS TO OPEN BURNING PROHIBITIONS.

WHEREAS, THE CITY OF GARDNER, KANSAS, REGULATES OPEN BURNING; AND

WHEREAS, IT IS THE INTENT OF THE GOVERNING BODY TO ACCOMPLISH A GENERAL HOUSEKEEPING ORDINANCE TO UPDATE THE CITY'S ORDINANCE RELATED TO OPEN BURNING;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF GARDNER, KANSAS:

SECTION ONE: Chapter 9.20.020(A) is hereby amended to read as follows:

9.20.020(A) - Burn Permit Required

A. Burn Permit Required. The Fire Chief and/or designee are hereby authorized to issue the following categories of open burning permits to allow open burning as described. Each permit requires a prior site inspection and is subject to the conditions of this chapter, any requirements listed on the permit, and all oral directives of the Fire Chief. Burning is permitted between the hours of sunrise to 5:00 p.m. Any complaints from residents due to smoke and/or odor will result in extinguishment by Fire District No. 1. All burn permits are for one day. The City's Public Officer will coordinate with the Fire District to ensure that burn permits are not issued in conflict with existing City of Gardner actions against a property, by notifying the Fire District of properties that are not allowed to have burn permits issued due to other violations of the Gardner Municipal Code. The Public Officer will also notify Fire District No. 1 of issues they encounter in the course of regular business operations that need immediate follow up by Fire District No. 1 related to this section.

1. Residential Permit. For open burning of natural land clearance materials with the exception of leaves which is strictly prohibited. Residential open burning must not occur within 50 feet of any structure, vehicle, or combustible material, or within 100 feet of any structure which is not on the same property. Burn only when wind speed is between five to 15 m.p.h.

2. Agricultural Permit. For open burning of vegetation such as grass, woody species, crop residue and other dry plant growth for agricultural purposes, agricultural open burning must not occur within 100 feet of the structure and/or roadway, and may be subject to additional approvals from the Johnson County Environmental Department and/or Fire District No. 1. Burn only when wind speed is between five to 15 m.p.h.

3. Commercial Permit. For open burning of land clearance materials for commercial purposes, commercial open burning must not occur within 100 feet of any structure and/or roadway and may require the use of an air curtain destructor and/or pit, as determined in the sole discretion of the Fire Chief and/or designee. Commercial burns may be subject to additional approvals from the Johnson County Environmental Department and/or Fire District No. 1.

4. Recreational Permit. For open burning of campfires and other similar small recreational fires made of firewood, recreational open burning must not occur within 25 feet of any structure, vehicle or combustible material

SECTION TWO: The remainder of GMC 9.20.020 shall remain in full force and effect.

SECTION THREE: All other ordinances not in conformity herewith are hereby repealed or amended to conform hereto.

SECTION FOUR: Effective Date. This Ordinance shall take effect and be in force upon its passage by the City Council and publication in the official City Newspaper as required by law.

PASSED by the City Council this 5th day of April, 2021.

SIGNED by the Mayor this 5th day of April, 2021.

(SEAL)

CITY OF GARDNER, KANSAS

/s/
Steve Shute, Mayor

Attest:

/s/
Sharon Rose, City Clerk

Approved as to form:

/s/
Ryan B. Denk, City Attorney