

## **Ordinance No. 343**

**This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Avon due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.**

This ordinance applies to all outdoor burning and refuse burning within the City of Avon.

This ordinance does not apply to:

1. Grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances
2. Burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation unless the material being burned includes refuse as defined in this ordinance
3. The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities

### **DEFINITIONS**

"Campfire" means a small outdoor fire intended for recreation or cooking not including a fire intended for disposal of waste wood or refuse.

"Clean Wood" means natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

"Confidential papers" means printed material containing personal identification or financial information that the owner wishes to destroy.

"Fire Chief" means the Chief of the Avon Fire Department or other person authorized by the Fire Chief.

"Outdoor Burning" means open burning or burning in an outdoor wood-fired furnace.

"Open Burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

"Outdoor Wood-fired Furnace" means a wood-fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

"Refuse" means any waste material except clean wood.

## **GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING**

Open burning, outdoor burning, and refuse burning are prohibited in the City of Avon unless the burning is specifically permitted by this ordinance.

### **MATERIALS THAT MAY NOT BE BURNED**

The following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove, or any other indoor or outdoor incineration or heating device.

1. Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint, painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes
2. Waste oil or other oily wastes except used oil burned in a heating device
3. Asphalt and products containing asphalt
4. Treated or painted wood including, but not limited to, plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives
5. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers
6. Rubber including tires and synthetic rubber-like products
7. Newspaper, corrugated cardboard, container board, or office paper

### **OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGETATIVE DEBRIS**

Open burning of leaves, weeds, brush, stumps, clean wood, trees, and other vegetative debris is prohibited.

### **BURN BARRELS**

No person shall use or maintain a burn barrel in the City of Avon.

### **OUTDOOR WOOD-FIRED FURNACES**

No person shall install, use, or maintain an outdoor wood-fired furnace in the City of Avon.

### **LIABILITY**

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

### **RIGHT OF ENTRY AND INSPECTION**

The Fire Chief or any authorized officer, agent, employee or representative of the city of Avon who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Note: If the owner or occupant of the

premises denies access to the property for this purpose, a special inspection warrant may be obtained.

## **ENFORCEMENT AND PENALTIES**

The Fire Chief, the Mayor, and the Chief of Police are authorized to enforce the provisions of this ordinance. The penalty for violation of any portion of this ordinance shall be a forfeiture of not less than \$ 100.00 per violation or more than \$ 1,000.00 plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

First Reading: May 4, 2020  
Second Reading: June 1, 2020  
Published: June 3, 2020  
Effective: June 3, 2020

ATTEST:

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Mike Petrik  
Mayor

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Twyla Simmons  
Finance Officer

(SEAL)