

ORDINANCE NO. 993

**AN ORDINANCE ESTABLISHING A NEW SECTION IN TITLE 6, CHAPTER 1B, FOR THE REGULATION OF OPEN BURNING AND OUTDOOR FIRES WITHIN THE CITY LIMITS OF THE CITY OF CLINTON; REPEALING ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.**

WHEREAS, the City Council believes it is appropriate to establish a new Section in Title 6, Chapter 1B of the Clinton City Code;

NOW THEREFORE, be it ordained by the City Council of the City of Clinton, Oklahoma:

Section 8 shall be added to the Clinton City Code to read as follows:

**6-1B-8: OPEN BURNING AND OUTDOOR FIRES WITHIN THE CITY LIMITS OF THE CITY OF CLINTON**

- A. It shall be unlawful for any person or persons to do, or cause to be done, any open burning within the corporate limits of the City of Clinton, Oklahoma, including but not limited to lawns, grass, trash, lumber, leaves, straw or any other combustible material.
- B. Exceptions:
1. Burning conducted by the Fire Department for purpose of training.
  2. Bonfires for community activities (permit required).
  3. Controlled burns may be allowed in other than residential areas within the city limits with preapproval by the Clinton Fire Department Chief or his designee. (permit may be required)
  4. Burning of garbage and trash as provided for in Section 9-4-3(B). (permit required)
  5. Recreational fires shall be permitted at one or two family dwellings only. The following restrictions shall apply:
    - a. Fires conducted in portable outdoor fireplaces which are constructed of steel, concrete, clay or other noncombustible material shall be permitted only when used over noncombustible surfaces and located not less than fifteen (15) feet from a structure or combustible construction.
    - b. Ground or fire pits shall be permitted but restricted in size to not more than three (3) feet in diameter and not more than two (2) feet in height. The fire shall not be less than twenty-five (25) feet from a structure or combustible construction and conditions which would cause the fire to spread within that twenty-five (25) feet shall be eliminated prior to ignition.
    - c. The Clinton Fire Department shall have full extinguishment authority. Any fire that creates or adds to a hazardous or objectionable situation or becomes offensive because of smoke emissions, may be extinguished.
  6. Outdoor open flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of a structure or combustible construction. Such devices shall be operated over noncombustible surfaces.
  7. The owner shall be responsible for outdoor burning and open flame cooking. Such activities shall be attended by the owner at all times.

C. Permits:

1. Every individual or entity who intends to create an open burn or set an outdoor fire as described in Section A above, shall apply for a Burn Permit when required and pay the required fee. Applications and payments shall be submitted to the City Clerk, in a form prescribed by said City Clerk at least seven (7) days in advance of the proposed open burn. Upon receipt the Clerk shall forward the application to the Fire Chief for review and approval. The Fire Chief shall approve or disapprove the application within five (5) days and applicant shall be immediately notified of the Fire Chief's decision.
2. If conditions require, the Fire Chief may withdraw any previously approved burn permit.

SEVERABILITY: If any section, clause, sentence, or phrase of this Open Burning and Outdoor Fires section is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this section.

WHEREFORE, an emergency is hereby declared to exist and this ordinance shall be in full force and effect immediately from and after its passage and proof of publication.

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

\_\_\_\_\_  
David Berrong, Mayor

ATTEST:

\_\_\_\_\_  
Lisa Anders, City Clerk