

Introduced by _____

First Reading _____

Second Reading _____

Ordinance No. _____

Council Bill No. B 101-14

AN ORDINANCE

amending Chapter 9 of the City Code as it relates to open burning; and fixing the time when this ordinance shall become effective.

WHEREAS, 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 Columbia by regulating air pollution, contaminants, fly-ash, smoke, toxic emissions, and fire hazards of open burning; and

WHEREAS, it is intended to prohibit large scale open burning unless the prospect for harm and risk of fire is minimized and all other available methods of disposal or alternatives to open burning have been exhausted; and

WHEREAS, it is intended allow for the open burning of recreational fires and to permit small open burning only when the prospect for harm is minimized or reduced; and

WHEREAS, it is intended to prohibit burning of waste, trash, garbage, rubbish and materials that have objectionable, offensive or toxic emissions.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLUMBIA, MISSOURI, AS FOLLOWS:

SECTION 1. Chapter 9 of the Code of Ordinances of the City of Columbia, Missouri, is hereby amended as follows:

Material to be deleted in ~~strikeout~~; material to be added underlined.

Sec. 9-22. Amendments.

The code adopted by this article is hereby amended by substituting the following sections in lieu of those sections with corresponding numbers in the code, or, where there is no corresponding section in the code, the following sections shall be enacted as additions to the code:

...

111.4 Failure to comply: Delete.

307.1.1 Prohibited open burning. Open burning that is offensive or objectionable because of smoke emissions, or when atmospheric conditions or local circumstances make such fire hazardous, shall be prohibited. The fire department may temporarily ban or limit all open burning when atmospheric conditions or local circumstances make such fires hazardous.

307.1.2 Prohibited open burning materials. Open burning of the following materials is prohibited:

Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes and solvents;

Furniture, appliances and tires;

Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers;

Treated or painted wood including but not limited to plywood, composite wood products, railroad cross ties and other creosoted lumber, or other wood products that are painted, varnished or treated with preservatives;

Materials generated by construction or demolition of a structure and associated debris and waste;

Household garbage including but not limited to table food waste, animal or vegetative waste and other debris such as paper, paper products, cardboard, cloth, glass and street sweepings;

Rubber material, asphalt, roofing materials and tar; and

Leaves, grass clippings and mulch.

307.1.2 Limitations on all allowed open burning. All allowed open burning shall be conducted in a safe, nuisance-free manner when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or water body. Open burning shall be conducted in conformance with all local, state and federal laws and regulations. Trees, brush, grasses, landscape plantings and stumps shall not be burned in place or cleared by burning during land disturbance except as allowed in section 307.2.

307.1.3 Limitations on open burning without a permit. A permit from the fire code official shall be required for all open burning, with the exception of a recreational fire as defined in section 302. Wood used in recreational fires and bonfires shall be "clean wood," that is a 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.

307.2 Open burning permit required. A permit shall be obtained from the fire code official prior to kindling a fire for the following:

1. Open burning with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for any of the following:
 - a. Burning of vegetative material originating onsite of the area to be burned for agricultural purposes in conjunction with the cultivation of land to include: gardening, landscaping or horticulture, fruit growing, raising of vegetables, trees, shrubs, plants or pastureland, or silvicultural prescribed burning in accordance with that phase of forestry that deals with the establishment, development, reproduction and care of forest fauna and flora;
2. Burning in place to clear trees, brush, grasses, landscape plantings and stumps shall be allowed if the total fuel area is three (3) feet or less in diameter and two (2) feet or less in height;
3. Wildlife management practices;
4. Prevention or control of disease or pests; and
5. Bonfires.

A permit shall be obtained from the city council prior to kindling a fire for any bonfire or other open burning listed above that requires a permit, but has a larger proposed total fuel area in diameter or height than allowed above. Such request shall be forwarded to the city council with a recommendation from the fire code official addressing:

1. Other available methods of disposal or alternatives to open burning to address the issue; and
2. Safety issues related to the proposed open burn and steps taken to minimize the fire hazard and any associated air pollution and contaminants to include fly-ash, smoke, and toxic emissions.
3. If the open burning reasonably could cause large amounts or associated air pollution and contaminants, to include fly-ash, smoke, and toxic emissions, that could travel off the land under consideration for a permit, then the fire code official will ask for a recommendation from the director of health.

In the case of burning to clear land, or burning in place to clear the land of trees, brush, grasses, landscape plantings and stumps that generates the total fuel area of three (3) feet or more in diameter and two (2) feet of more in height, a permit shall only be recommended

by the fire code official if the trees, brush, grasses, landscape plantings and stumps cannot be safely utilized for logs, firewood, chipped/shredded/ground or put to other reasonable use.

Application for such approval shall only be presented by, and permit issued to, the owner of the land upon which the fire is to be kindled. The permit is valid for the dates of issuance only; all burning under a permit shall be between the hours of 8:00 a.m. and 11:00 p.m. and the fire at 11:00 p.m. shall be completely extinguished.

307.2.1 Open burning by governmental officials and authorizations required. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

Open burning is permitted by governmental officials for any of the following:

1. In connection with an emergency which requires immediate action to protect human health and safety;
2. For the training of firefighters;
3. Prescribed burns for the purpose of reducing the impact of wildfire;
4. Burns to manage growth of grasses in government-owned natural areas;
5. Research areas; or
6. As otherwise allowed by law.

308.1.4 Open-flame cooking devices. Charcoal burner and other open flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction.

...

SECTION 2. This ordinance shall be in full force and effect from and after its passage.

PASSED this _____ day of _____, 2014.

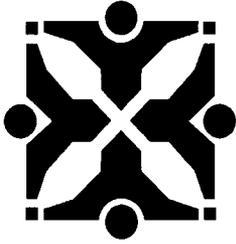
ATTEST:

City Clerk

Mayor and Presiding Officer

APPROVED AS TO FORM:

City Counselor



Source: Health

CKW

To: City Council

From: City Manager and Staff

MM

Agenda Item No:

Council Meeting Date: Apr 7, 2014

Re: Amending Chapter 9 of the City Code

EXECUTIVE SUMMARY:

An ordinance amending Chapter 9 of the City Code to adopt a ban on open burning, with exceptions.

DISCUSSION:

At Council's request, staff reviewed the open burning ordinance. Staff also reviewed open burning ordinances from across the country to identify open burning prohibitions and exceptions allowed in other municipalities.

From January 1, 2010 - March 10, 2014, the Fire Department issued 495 burn permits. Most of these permits (326) were for open burning, while 112 permits were for fire performance art, 50 permits were for land clearing, and seven (7) permits were for fireworks.

Emissions from burning are known to have adverse health effects, including exacerbation of existing conditions such as asthma, chronic obstructive pulmonary disease, and emphysema. From 2002 - 2011, there were over 52,000 visits to an emergency room and almost 9,000 hospitalizations stemming from respiratory illnesses in Boone County. While the impact of open burning on these data are unknown, the data clearly demonstrate that respiratory illnesses do have an impact on the health of our citizens and the health care system.

This ordinance bans all open burning in Columbia other than recreational fires as defined in the fire code. The following exceptions to the ban require a permit: open burning with a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height for burning of vegetative material originating onsite of the area to be burned for agricultural purposes in conjunction with the cultivation of land; burning in place to clear trees, brush, grasses, landscape plantings and stumps as long as the total fuel area is three (3) feet or less in diameter and two (2) feet or less in height; bonfires; wildlife management practices; and prevention or control of disease or pests. Any open burning that requires a permit, but has a larger proposed total fuel area than allowed above shall be approved by the City Council with a recommendation from the fire code official which addresses other available methods of disposal, safety issues, and in some cases a recommendation from the Director of Health. For open burning associated with land clearing larger than three (3) feet in diameter and two (2) feet in height, the fire code official will recommend the permit only if the material cannot be safely utilized for logs, firewood, chipped/shredded, or put to other reasonable use. Open burning by government officials is allowed in connection with an emergency which requires immediate action to protect human health and safety; open burning for fire fighter training; prescribed burns for reducing the impact of wildfires; burns to manage the growth of grasses in government-owned natural areas; and burns in research areas or as otherwise allowed by law.

The proposed ordinance amendment has been reviewed by the following City Departments: Fire, Parks and Recreation, Public Works, and Community Development. The Law Department has assured the amendment is compatible with remaining fire code requirements.

Sections 111.4 and 308.1.4 are listed in the ordinance solely for the purpose of demonstrating where the above prohibitions will be placed in Section 9-22. There are no changes to 111.4 or 308.1.4 in Section 9-22.

FISCAL IMPACT:

No net fiscal impact is anticipated.

VISION IMPACT:

<http://www.gocolumbiamo.com/Council/Meetings/visionimpact.php>

9.1 Goal: Columbia and its neighboring communities will be a place where the air, water, land, and natural aesthetic qualities of our environment shall be protected by a combination of conservation strategies including, but not limited to, regulations and ordinances, conservation incentives, education programs, and smart growth planning.

11.3 Goal: Columbia will be a healthy community. All residents will have timely access to appropriate health care. Effective prevention initiatives will contribute to a healthy community.

SUGGESTED COUNCIL ACTIONS:

Amend Chapter 9 of the City Code and adopt an open burning ban with exceptions.

FISCAL and VISION NOTES:					
City Fiscal Impact Enter all that apply		Program Impact		Mandates	
City's current net FY cost	\$0.00	New Program/ Agency?		Federal or State mandated?	
Amount of funds already appropriated	\$0.00	Duplicates/Expands an existing program?		Vision Implementation impact	
Amount of budget amendment needed	\$0.00	Fiscal Impact on any local political subdivision?		Enter all that apply: Refer to Web site	
Estimated 2 year net costs:		Resources Required		Vision Impact?	Yes
One Time	\$0.00	Requires add'l FTE Personnel?		Primary Vision, Strategy and/or Goal Item #	9.1
Operating/ Ongoing	\$0.00	Requires add'l facilities?		Secondary Vision, Strategy and/or Goal Item #	11.3
		Requires add'l capital equipment?		Fiscal year implementation Task #	