

COMMISSIONERS' ORDINANCE NO. 0-27-10

AN ORDINANCE REPEALING O-26-82, CODIFIED IN § 91.02 OF THE CITY OF COVINGTON CODE OF ORDINANCES TITLED "BONFIRES," IN ITS ENTIRETY AND REPLACING IT WITH A NEW § 91.02 TO BE TITLED "OPEN AND OUTDOOR BURNING, INCLUDING RECREATIONAL FIRES" TO ESTABLISH RULES AND REGULATIONS FOR OPEN AND OUTDOOR BURNING, INCLUDING RECREATIONAL FIRES.

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WHEREAS, § 91.02 titled "Bonfires" is an ordinance that regulates bonfires in the City of Covington; and

WHEREAS, new provisions are needed to regulate open and outdoor burning in the City 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 Covington; and

WHEREAS, it is prudent and desirable to repeal § 91.02 in its entirety and to enact a new ordinance to provide regulations for air pollution and fire hazards created by open and outdoor burning; and

WHEREAS, City of Covington police officers and firefighters are authorized by law to require any fire to be immediately discontinued if a fire is determined to constitute a hazardous condition; and

WHEREAS, the Board of Commissioners desires to establish reasonable regulations to promote the use of safe fires for cooking, recreational, ceremonial or similar purposes.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF COVINGTON, KENTON COUNTY, KENTUCKY:

Section 1

That 91.02 "Bonfires" is hereby repealed in its entirety and a new ordinance is created as follows:

§ 91.02 OPEN AND OUTDOOR BURNING, INCLUDING RECREATIONAL FIRES

(A) All open burning is prohibited within the City of Covington unless otherwise allowed as an exception in this ordinance. "Open burning" means the burning of any matter without a burn chamber approved by the Kentucky Division for Air Quality, or without a stack or chimney with control devices approved by the Kentucky Division for Air Quality.

(1) Prescribed burns are an exception. "Prescribed burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

(a) Prescribed burns set for recognized agricultural, silvicultural, range, ecological and wildlife habitat management practices are allowed only if conducted in accordance with Part 515 of the federal Natural Resources and Environmental Protection Act, administered by the Kentucky Department of Natural Resources, and written notification of the prescribed burn is given 72 hours in advance to the local Division of Forestry District Office. First, approval of the local Division of Forestry District Office must be obtained; and, secondly, approval of the Covington Fire Department shall also be obtained.

(2) Campfires are an exception. "Campfire" means a small fire for cooking, recreational or ceremonial purposes. Campfires are only allowed in the City of Covington if conducted in accordance with this section.

(a) Campfires shall burn only clean seasoned firewood; the fire shall be surrounded with a fire ring of rocks, stones, bricks or other non-flammable objects that protrude at least 6 inches above the undisturbed ground level (not allowed in burn barrels); the fire ring shall be no larger than 36 inches wide, and the fire shall be no more than 24 inches high; the fire shall be at least 25 feet from any structure or other combustible materials on same property as the fire, at least 35 feet from any structure or other combustible materials not on same property as the fire, and at least 25 feet from public pedestrian and road ways; the fire shall be attended at all times by a competent person of at least 16 years of age until the fire is extinguished and is cold; excessive or unusual emanations shall not be created; a garden hose attached to a water supply or other approved fire extinguishing device shall be readily available at the location.

Note: "Excessive and unusual emanations" includes the emanation of smoke or fumes or soot or cinders, or odors that annoy, injure, or endanger the comfort, repose, health or safety of others.

(3) Burnings conducted in conjunction with training for public, private and industrial firefighters are an exception if conducted in accordance with Kentucky's 401 KAR 63:005, Section 6.

(B) Outdoor burning is only allowed in the City of Covington if conducted in accordance with this section. "Outdoor burning" means the burning of clean seasoned firewood in a burn chamber approved by the Kentucky Division for Air Quality, in a burn chamber with a stack or chimney with control devices approved by the Kentucky Division for Air Quality, or in a patio wood-burning unit for outdoor cooking, heating, recreational, or ceremonial purposes. "Patio wood-burning unit" means a chiminea, patio warmer, fire pit, or other portable wood-burning device used for outdoor recreation and/or heating. In this section, "fire pit" means a device commercially designed and intended to contain and control small outdoor wood fires that are free standing and portable.

(1) Outdoor burning shall maintain a clearance of at least 15 feet from structures or other combustible materials on the same property as the fire, and at least 25 feet from structures or other combustible materials which are not on the same property as the fire; shall not occur on or beneath decks or balconies, or in an enclosed porch, gazebo or similar enclosed space; shall be attended at all times by a competent person of at least sixteen (16) years of age until the fire is extinguished and is cold; shall burn only clean seasoned firewood, and the burn chamber shall not be overloaded; excessive or unusual emanations shall not be created; a garden hose attached to a water supply or other approved fire extinguishing device shall be readily available; the fire shall be no larger than 18 inches wide by 12 inches high.

(2) Outdoor burning includes small fires set by construction and other workers for comfort heating purposes if conducted in accordance with this section and if: the ambient temperature is below fifty (50) degrees Fahrenheit; only clean lumber or seasoned firewood is burned; and, the fire is burned in a container not exceeding fifty-five (55) gallons in size;

(3) This ordinance does not cover coal, or propane or natural gas fired appliances that are manufactured for outdoor cooking or grilling of food, and does not cover propane or natural gas fired appliances that are manufactured for outdoor heating or ambience. Installation and location of these appliances shall follow the manufacturer's guidelines.

