

ORDINANCE NO. 3116

AN ORDINANCE AMENDING CHAPTER 15, FIRE PROTECTION AND PREVENTION, OF THE MIDWEST CITY CODE; BY AMENDING ARTICLE IV. OPEN BURNING, SECTION 15-101. PERMIT REQUIRED, FEE; BY TAKING SECTION 15-104 OUT OF RESERVE AND ENTITLING IT "BURN PIT DEFINED, INSPECTION, REVOCATION OF PERMIT", WHICH SECTION SHALL READ AS ESTABLISHED IN THIS ORDINANCE; AND PROVIDING FOR REPEALER AND SEVERABILITY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDWEST CITY, OKLAHOMA:

ORDINANCE

SECTION 1. That Chapter 15, Fire and Fire Prevention, of the Midwest City Code, is hereby amended by amending Section 15- 101, Permit required, fees, as follows:

Sec. 15-101. Permit required; fees.

A permit shall be obtained from the city prior to any person causing or permitting an open burning in any public or private place outside any building. Application for such permit shall only be presented by and the permit issued only to the owner of the land upon which the fire is to be kindled or his designee.

- (1) Open burning shall only be permitted with prior approval from the city, provided that all conditions specified in the permit are followed.
- (2) Open burning that will be offensive or objectionable because of smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited. The fire chief is authorized to order the extinguishment by the permit holder or the fire department of open burning that creates or adds to a hazardous or objectionable situation.
- (3) The location for open burning shall not be less than fifty (50) feet from any structure, overhanging wires or trees, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of any structure, overhanging wires or trees unless the fire is in an approved container in which case it may be conducted not less than fifteen (15) feet from a structure.
- (4) A bonfire shall not be conducted within fifty (50) feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within fifty (50) feet of a structure shall be eliminated prior to ignition.
- (5) Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions that could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition.
- (6) Upon issuance of a permit, the permit holder must still obtain clearance on the day the permitted

burn is to occur prior to ignition to confirm proper weather conditions. Clearance may be obtained any day of the only between the hours of 8:00 a.m. and 4:00 p.m., by contacting (405) 739-1340, Monday through Friday, and (405) 739-1389 on weekends and holidays .

(7) Fees for a burn permit shall be:

Special Use - One day only	no charge
90 Day Permit	\$25.00
One year Permit	\$75.00
Five Year Burn Pit Permit	\$10.00

(8) Once clearance is obtained, burning shall occur no earlier than 8:00 am and all burning activity shall be fully extinguished prior to thirty (30) minutes prior to sundown on that day.

SECTION 2. That Chapter 15, Fire and Fire Prevention, of the Midwest City Code, Article IV, Open Burning, is hereby amended by taking Section 25-103 out of reserve and entitling it "Burn pit defined; Inspection; Revocation of Permit."

SECTION 3. That Chapter 15, Fire and Fire Prevention, of the Midwest City Code, is hereby amended by adding Section 15-104, as follows:

Sec. 15-104. Burn pit defined, inspection; revocation of permit.

- a. A burn pit shall be allowed on a property in a location upon property no closer than fifty (50) feet from any structure and shall be used in the same manner and bound by the same requirements in force and effect with regard to any other burning permit and its requirements.
- b. The area where the burn pit is to be constructed must be inspected and approved by the fire inspector or his designee prior to a permit being issued and prior to any authorized use.
- c. The burn pit shall be no greater than ten (10) feet in diameter or no greater than 32 square feet. A contiguous wall shall be erected around the burn pit of a height no less than two (2) feet and no greater than three (3) feet and shall be constructed of block, stone, brick and mortar, or of an uninterrupted metal ring which will not become deformed nor consumed by the intensity of the fire contained therein.
- d. Approved combustible materials burned within the burn pit shall not exceed four (4) feet in height prior to or during the burning of such materials.
- e. The burn pit permit shall be effective for a period of five (5) years from the date of issue. Any permitted burn pit permit shall be subject to reinspection at any time by a fire official at any time there is any reasonable cause to conduct a reinspection. Upon termination or expiration of the burn pit permit, the burn pit must be reinspected and brought into compliance prior to the issuance of any new permit. The burn pit may not be operated without a current burn pit permit even if a permit had been issued during a prior period of

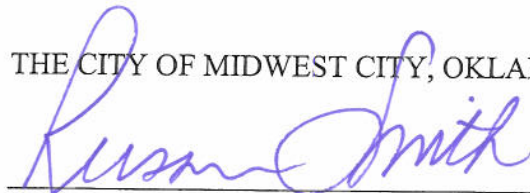
- time.
- f. A burn pit permit may be revoked by a fire official upon a determination that the burn pit is being operated in violation of this section, that such burn permit is no longer compliant with the requirements under this section, or subsequent to any conviction for any offense under this section.
 - g. Burn pit permits shall be non-assignable and non-transferable. Upon the change of ownership of a property where a burn pit exists, all existing permits shall be immediately revoked and any new owner or occupant of such property shall be required to obtain a new burn pit permit subject to a new inspection of the existing burn pit by a fire inspector.

SECTION 4. REPEALER. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. SEVERABILITY. If any section, sentence, clause or portion of this ordinance is for any reason held to be invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this ordinance.

PASSED AND APPROVED by the Mayor and Council of the City of Midwest City, Oklahoma, on the 11th day of May, 2010.

THE CITY OF MIDWEST CITY, OKLAHOMA




RUSSELL SMITH, Mayor

ATTEST:



RHONDA ATKINS, Deputy City Clerk

APPROVED as to form and legality this 11th day of May, 2010.



KATHERINE BOLLES, City Attorney