

City of Marion Burning Ordinance

94.08 AIR POLLUTION AND OPEN BURNING

(A) *Purpose.* This section is designed to control the burning of certain combustible and noncombustible material in the open air on in containers, furnaces or similar appurtenances causing the emission of smoke, offensive odors, fumes, gases, soot of other pollutants which interfere with the enjoyment by the people of the city of life and property

(B) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQUATE CONTAINER. A noncombustible 55 gallon barrel or drum sufficiently vented to induce adequate primary combustion air with enclosed sides, bottom and a mesh covering with openings no larger than ¼” square.

AIR POLLUTANTS. Any substances such as cinder fly ash, smoke fumes, gas mist and offensive odors.

AIR POLLUTION. The presence in the outdoor atmosphere of substances in quantities, having characteristics and being of duration which are with reasonable certainty injurious to human life and property or which unreasonably interfere with the enjoyment of life and property due to the emission of odors, vapors, liquids or gases.

COMUBSTIBLE MATERIALS. Any waste or substance which is easily inflammable such as tree leaves, papers, cartons, paper boxes, dry limbs or dry grass cuttings.

ENFORCEMENT OFFICER. The Fire Prevention Chief. The terms **FIRE CHIEF** and **FIRE PREVENTION CHIEF** shall include their designated agents.

NONCOMBUSTIBLE MATERIALS. Any waste material or substance not easily inflammable, such as clothing bedding, garbage, fresh grass cuttings, fresh tree leaves, mattresses, tires or other rubber products, automobile hulks, furniture, rugs, rags, cans, waste foodstuff, dead animals, animal excrement, sawdust and any material which is subject to slow combustion usually emitting smoke, offensive odors, fumes, gases or similar pollutants.

NUISANCE. Environmental conditions, intermittent or continuous, produced or correctable by a person, prejudicial to the reasonable enjoyment of health, comfort or safety of an individual or causing injury or damage to persons and property.

OPEN BURNING. Any fire from which the products of combustion are emitted directly into the outdoor atmosphere, the burning on the ground or in metal containers or appurtenances other than adequate containers.

SMOKE. Any small gas borne particles resulting from incomplete combustion and present in sufficient quantity to be visually observable.

SOURCE. Any real or personal property or person contributing to air pollution.

VIOLATOR. A person contributing to air pollution in violation of standards established in this section.

(C) *Open Burning.* Open burning is permitted only in the following instances:

- (1) Outdoor cooking;
- (2) Camp fires and scouting activities with prior approval of the Marion Fire Department or the Marion Fire Prevention Bureau.

(D) *Burning of combustible materials.* Burning of combustible materials in adequate container is permitted only in the following instances:

- (1) The burning takes place on property which contains either no buildings or structures or which contains a residential structure with no more than two units. No burning may take place in apartment complexes or mobile home parks;
- (2) The burning takes place at a distance of five or more feet from any combustible product, including buildings, automobiles or any structure;
- (3) The burning does not take place on the sidewalks, streets or on the grounds in front of the building.

(E) *Restrictions.* Burning of combustible materials and open burning are subject to the following restrictions.

- (1) Only wood and paper products shall be burned;
- (2) Fires shall be attended at all times until completely extinguished;
- (3) Fires shall be extinguished if the Fire Prevention Chief or his or her designee determines that they are a nuisance, fire hazard or air pollution problem;
- (4) All burning of combustible materials in adequate containers described above must occur between 6:00 a.m. and 7:00 p.m. and shall be total extinguished at 7:00 p.m. If the daylight hours end before 7:00 p.m., the fire must be extinguished when the daylight hours end;
- (5) No burning shall be conducted during unfavorable meteorological conditions such as temperature inversions, high winds or air stagnation.

The Fire Prevention Chief may determine that meteorological conditions are unfavorable for burning and may order that any and all fires be extinguished at such times.