

ORDINANCE NO. 967

AN ORDINANCE ALLOWING OUTDOOR AND OPEN BURNING WITHIN THE CITY OF WILLISTON.

Be it ordained by the Board of City Commissioners of the City of Williston, North Dakota that an ordinance be enacted as follows:

Section I. DEFINITIONS

For the purposes of this article the following terms, phrases, words and their derivations shall have the meaning given herein:

Within the City of Williston includes, but is not limited to, city streets, commercial/industrial sites, private property, established residential neighborhoods, and construction sites.

Section II. CONDITIONS

Campfires are only permitted in approved campgrounds and City parks.

Outdoor fireplaces are available through many local department stores. They must be used in accordance with all of the manufacturer's safety requirements and this City of Williston ordinance.

Outdoor fireplaces and pits are bowls or pits designed for the holding or burning of wood and shall be allowed without a license, as long as the following conditions are met:

- a) Fireplaces shall include a bowl with supports to ensure clearances to combustibles;
- b) Pits shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks;
- c) Fireplaces and pits shall not be used within fifteen (15) feet of a building or lot line;
- d) Fireplaces or pits shall be used on a stable level surface;
- e) Fireplaces or pits shall not be used on any combustible deck, porch or patio;
- f) Only clean, dry wood is permitted to be burned in fireplaces or pits. No trash, yard waste or construction material shall be burned;
- g) If the fireplace is a propane unit, only propane shall be burned;
- h) The smoke from the fireplace or pit shall not create a nuisance;
- i) Neighbors of the property to which a fireplace or pit is installed, shall be notified of placement;

- j) A fire extinguisher, garden hose or other method of fire control shall be readily available;
- k) The fireplace or pits must be supervised at all times by a responsible adult. The fire must be completely extinguished before the fireplace or pit is left unsupervised;
- l) Fireplaces or pits shall not be operated when there is a red flag warning that is issued by the National Weather Service;
- m) Manufactured outdoor fireplaces and pits shall be operated in accordance with the manufactures assembly, safety, and operating instructions.

Clay fireplaces (Chimineas) are permitted in the city. They must meet all of the requirements listed above for outdoor fireplaces as well as the following;

- a) Must have a spark arrester on the flue and a spark screen to cover the opening.
- b) Shall not be used within four (4) feet of any combustible materials or in high winds.

LP-assisted ignition fireplaces must meet all of the requirements listed above for outdoor fireplaces as well as the following:

- a) Do NOT store/use gasoline or other flammable liquids in the vicinity of this unit.
- b) Never leave hose assembly connected when wood is burning.
- c) Once the wood is burning, immediately turn the regulator knob to 'OFF' and disconnect the LP bottle and hose assembly.

Charcoal and LP-Gas Grills and other Open-Flame Cooking Device: shall comply with City Ordinances. **Be sure to read the owner's manual.** Subject to exemption language set out below.

a) Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible construction. (Exception: one- and two-family dwellings and/or where buildings and decks are protected by an automatic sprinkler system.) Make sure the coals are completely cooled down with water before disposing of them. Make sure all ashes are contained in a non-combustible container.

b) LP-Gas burners have an LP-gas container shall not be stored or operated on balconies unless they are served by exterior stairway or sprinkler system. (Exception: one- and two-family dwellings).

Cooking fires are fires ignited and maintained for the express purpose of cooking food for human consumption. Once the cooking is complete, the fire must be extinguished. If the Fire Department responds and food is not being prepared, they will extinguish the fire. **A citation may be issued.** The size of the fire must be appropriate for use as a cooking fire. It is always the discretion of the Fire Officer to determine if the fire is intended for cooking.

Commissioner _____ moved for the adoption of the foregoing Ordinance. The motion was seconded by Commissioner _____. On roll call vote of the Commissioners, the following Commissioners vote "AYE" _____, and the following Commissioners vote "NAY" _____. Absent and not voting: _____.

WHEREUPON, the motion was passed and the Ordinance declared adopted this _____ day of _____, 2013.

E. WARD KOESER, President
Board of City Commissioners

ATTEST:

JOHN KAUTZMAN, City Auditor

FIRST READING: July 9, 2013

SECOND READING:

PUBLISHED:

ADOPTED THE _____ DAY OF _____, 2013.