

ORDINANCE NO. 1262

AN ORDINANCE ENACTED APPROVING THE USE OF
OUTDOOR FIREPLACES AND RECREATIONAL FIRES
WITHIN THE CITY LIMITS OF WAKEFIELD

**BE IT ORDAINED BY THE GOVERNING
BODY OF THE CITY OF WAKEFIELD, KANSAS:**

SECTION 1. The City Council recognizes the desire of the citizens of Wakefield to use and enjoy outdoor fireplaces and recreational fires, and yet prohibit burning of brush, rubbish and other garbage within the city limits.

SECTION 2. The City Council adopts from the International Fire Code the following definitions for use in this ordinance:

- a. **Portable Outdoor Fireplace:** A portable, outdoor solid fuel burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.
- b. **Recreational Fire:** An outdoor fire burning materials other than rubbish or brush where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

SECTION 3. The City of Wakefield has developed the following policies governing the regulation and enforcement of this ordinance:

- a. Portable outdoor fireplaces shall not be operated within 15 feet of a structure, property line or combustible materials.
- b. Portable fireplaces shall not be used on a combustible deck.
- c. Recreational fires must be enclosed by some noncombustible fire ring at least 1 foot in height above the ground and shall not be constructed within 25 feet of a structure, property line, or combustible materials.
- d. Outdoor fireplaces, other than portable, must be constructed of noncombustible materials and shall not be constructed within 15

feet of a structure, property line, or combustible materials unless constructed under the provisions of the International Fire Code.

- e. Outdoor fires that are offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances made such fire hazardous shall be prohibited.
- f. Combustible materials which could cause a fire to spread shall be eliminated or at least mowed short in the immediate area prior to ignition.
- g. Ashes shall be discarded in a noncombustible container and kept outside of any structure.
- h. Only charcoal or clean, dry, and seasoned firewood can be used for fuel. Firewood can be a maximum of 2 feet long.
- i. Use of flammable and combustible fluids such as gasoline, alcohol, diesel fuel, kerosene or charcoal fluid to light and relight fires is prohibited.
- j. Trash, garbage, leaves, brush, asphalt, petroleum products, paints, rubber products, plastics, paper, cardboard, treated wood, construction debris, metal or any substance that normally releases toxic emissions, dense smoke, or obnoxious odors when burned shall not be used as fuel.
- k. While a fire is burning or smoldering, it must be attended at all times.
- l. Buckets, shovels, garden hose or a fire extinguisher with a 4A or greater rating shall be readily available for use while a fire is burning or smoldering.
- m. Burn bans by the State of Kansas, Clay County, or the City of Wakefield shall be strictly enforced.
- n. Burning shall be prohibited when wind speeds are in excess of 10 miles per hour.
- o. Before any recreational fire can be ignited, a fire permit must be obtained from the City Clerk's office. There shall be no charge for such a permit. This does not apply to the use of a barbeque grill.

- p. This ordinance shall be enforced by the Wakefield Police Department or any other law enforcement officer certified by the State of Kansas.

SECTION 4. This ordinance shall be appended to the Ordinances for the City of Wakefield and this ordinance shall be filed with the City Clerk to be open for inspection and available to the public at all reasonable hours.

SECTION 5. Violations of this ordinance shall be Class B nonperson misdemeanor and shall be punishable by a fine of not less than Twenty Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100) and not more than 6 months imprisonment plus the costs of the action.

SECTION 6. Any provision of this ordinance which shall be declared to be invalid shall not affect the validity and authority of any other sections of said ordinance.

SECTION 7. Any other ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 8. This ordinance shall take effect and be in force from and after its passage, approval and publication once in the official city paper.

PASSED AND APPROVED the 20th day of July, 2011.

Fire Pit Permit

I acknowledge that I have received, read, and understand Ordinance #1262, approving the use of outdoor fireplaces and recreational fires within the City limits of Wakefield.

I will abide by all regulations as set forth in Ordinance #1262.

Printed name

Signature

Address

Phone #s