AND ORDINANCE TO ENACT ARTICLE 7 IN CHAPTER 4 OF THE CITY OF NEW SALEM, NORTH DAKOTA, BANNING OPEN FIRE BURNING AND PENALTY

BE IT ORDAINED BY THE NEW SALEM CITY COUNCIL, NORTH DAKOTA

4.0701 DEFINITIONS

Inert yard waste is leaves, branches and other wood and organic properties.

4.0702 BURNING PROHIBITED

No garbage, refuse, or rubbish shall be burned within city limits. This includes paper products, leaves, or an open burning fire of any nature. Burning is allowed only if there is an enclosed, covered and approved outdoor fireplace or a special burn permit for large outdoor gatherings, such as a pit barbeque. Permits need to be approved first by the New Salem Fire Department and secondly by the New Salem City Council.

4.0703

Open burning for campfires and outdoor cooking is permitted in an approved container constructed of steel, brick, or masonry. Open burning in portable, outdoor fireplaces is permitted. Burning that is offensive or objectionable because of smoke or odor emissions, or when atmospheric conditions, or local circumstances make such fires hazardous, shall be prohibited. All city ordinances pertaining to noise must be followed at all times. The city council is authorized to order the extinguishment by the responsible person, or the fire department, of any burning that creates or adds to a hazardous or an objectionable situation.

For clarity, a “fire pit” includes belowground pits, freestanding fireplaces, and portable devices intended to contain and control outdoor fires. All belowground fire pits shall be at least 4’ (four inches) in depth, and shall be surrounded on the outside, aboveground, by a non-combustible material such as steel, brick, or masonry. The fire pit cannot exceed 3’ (three feet) in diameter, nor may the fire pile exceed 2’(two feet) in height.

Fire pits may be used in accordance with the manufacturer’s specifications and these specifications:

\*\*Only natural firewood/commercial logs may be burned. Burning of lumber, pallets, scrap wood, tree trimmings, leaves, yard waste, paper, cardboard, garbage and similar items is not permitted.

\*\*All fire pits must be located away from any structure or combustible material. Belowground fire pits and freestanding fireplaces must be located a minimum of 15’ (fifteen feet) away from any structure or combustible material. Portable fire pits must be located a minimum of 15’ (fifteen feet) away from any structure or combustible material.

\*\*The fire must be constantly attended and supervised until the fire has been completely extinguished. A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose must be readily available.

4.0704 PENALTY

Any person who violates the burning prohibition of Ordinances……shall be fined no more than five hundred dollars ($500.00). Each and every violation of the provisions of Ordinance …..shall constitute a separate offense.

Signed: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mayor Lynette Fitterer

Attest:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Shian Kaelberer-Auditor

First Reading June 14th, 2012

Second Reading July 9th, 2012

Final Adoption August 13th, 2012