

Chapter 78

BURNING, OUTDOOR

[HISTORY: Adopted by the of the Town Council of the Town of Callahan 5-18-1987 by Ord. No. 2-O-1987; amended in its entirety 10-18-1993 by Ord. No. 5-O-1993. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention — See Ch. 105.

§ 78-1. Permit required.

No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained within the Town without a permit issued by the Fire Chief or such other person as designated in writing by him.

§ 78-2. Requirements for legal burning.

- A. The requirements and conditions to legally burn yard trash and household paper are as follows:
- (1) Does not create a nuisance.
 - (2) One hundred feet from any occupied building other than that owned or leased by the person doing the burning.
 - (3) Fifty feet from any residence on the property where burning is done.
 - (4) Fifty feet from public highway or road, providing that no visible smoke will be allowed over any adjacent residence or over the road that would cause a nuisance.
 - (5) Ignited after 9:00 a.m. and extinguished one hour before sunset.
 - (6) The fire must be attended at all times.
 - (7) Adequate fire-extinguishing equipment is readily available at all times.
 - (8) Moisture content and composition shall be favorable to good burning.
 - (9) No other rule or law prohibiting it.
 - (10) Must be in a noncombustible container or ground excavation covered by a metal grill or mesh and at least 25 feet from any woodlands, forest or brush.
 - (11) There shall be no night burning.
 - (12) Garbage cannot be burned.
- B. The requirements and conditions to legally burn land clearing materials are as follows:

- (1) Setback requirements:
 - (a) Residential land clearing (definition: land clearing operation that is conducted by the homeowner or an individual contracted by the homeowner of not more than two family units for the purpose of initially clearing vegetation on the property): 300 feet from any occupied building.
 - (b) One thousand feet from any occupied building if an air curtain incinerator is not used; 300 feet if using an air curtain incinerator.
 - (c) One hundred feet from any public road and the prevailing winds direct the smoke away from the highway or roads.
- (2) Fire ignited after 9:00 a.m. and extinguished one hour before sunset.
- (3) Open burning attended at all times.
- (4) Authorized by the Town of Callahan and complies with Chapter 590, Florida Statutes.
- (5) Wet or green materials shall not be burned.
- (6) The open burning of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross ties, other creosoted lumber, plastics, garbage or trash other than yard trash and household paper products is prohibited.
- (7) The amount of dirt in a land clearing open burning operation shall be minimized to enhance combustion and reduce emissions.
- (8) Does not create a nuisance.
- (9) Must provide adequate fire lines, manpower and fire-fighting equipment to control fire.
- (10) Must not allow fire to escape from authorized area.
- (11) No night burning.

§ 78-3. Fires to be attended.

All approved and permitted fires shall all be constantly attended by a competent person until such fire is extinguished. Such person shall have a good garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.

§ 78-4. Authority of Mayor to prohibit fires.

The Mayor of the Town of Callahan may prohibit any or all open burning when atmospheric conditions or local circumstances make such fires hazardous.

§ 78-5. Penalties for offenses.

Any person found guilty of violating this chapter shall be deemed guilty of a misdemeanor of the second degree and be punished by a fine not to exceed \$500 or imprisoned in the county detention facility for a period not to exceed 60 days, or both.