

**CITY OF OAK GROVE, KENTUCKY
ORDINANCE NO. 2008-14**

**AN ORDINANCE PROVIDING FOR THE CONTROL OF OPEN BURNS OF
ANY MATERIALS WITHIN THE CITY OF OAK GROVE FOR THE
PROTECTION OF THE PUBLIC AND PROVIDING PENALTIES FOR THE
VIOLATION OF THE PROVISIONS SET FORTH.**

WHEREAS: The control of the open burns of any materials within the City limits of the City of Oak Grove will be for the best interest of the City of Oak Grove, and

WHEREAS: adequate protection of the public will be enhanced by the control of open burns of any materials in the City of Oak Grove:

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF OAK GROVE,
KENTUCKY:**

SECTION 1

DEFINITIONS: The following definitions shall apply in the interpretation and enforcement of the ordinance:

1. "Person" shall mean any person, firm, partnership, association, corporation, company, construction company, or organization of any kind.
2. "Materials" shall mean clean lumber, leaves, tree limbs, natural growth, weeds, cardboard, household paper products and any other combustible materials.
3. "Clean lumber" means wood or wood products that have been cut or shaped and includes wet, air-dried, and kiln-dried wood products and does not include commercial or industrial waste or wood products that have been painted, pigment-stained, or pressure-treated using any hazardous or toxic compounds.
4. "Open burn" means the burning of any matter without a burn chamber or without a stack or chimney with control devices.

SECTION 2

No person shall kindle or maintain an open burn of any combustible material in the streets or alleys, or on any premises or a vacant lot without a burn permit, unless the burning can be done in a 55 gallon burn barrel with a cover of wire mesh or of metal. The burn barrel will have vent holes at the bottom of the barrel. Prior to burning of any materials outside of a covered receptacle, the person must contact any Chief Officer of the Oak Grove Fire Department to receive an open burn permit. Prior to receiving an open burn permit a Chief Officer must conduct an inspection of the materials to be burned and the area the burn will be conducted in.

All burning of any materials permitted by the above paragraph shall be conducted on still days, during the day, unless the Kentucky Division of Forestry and the Kentucky Division of Air Quality Control have mandated different burn restrictions. All open burn sites must have some kind of water supply present and must have an adult in constant attendance until all heat sources are completely extinguished. All open burns will be at least 50 feet away from any building or structures, and 150 feet from

any woodland or brush land area, and where standing grass or weeds will not communicate fire to nearby property.

SECTION 3

REGULATIONS: The City of Oak Grove will adopt the Kentucky Division of Air Quality Regulations and the Kentucky Division of Forestry Regulations and 401 KAR 63:005 open burning.

SECTION 4

ENFORCEMENT: Any Chief Officer of the Fire Department and or any Police officer, are hereby authorized to enforce the provisions of this Ordinance.

SECTION 5

PERMITS: Any Chief Officer of the Fire Department is hereby authorized to grant an open burn permit to any person for the burning of legal materials and other combustible materials outside of a covered receptacle up to seven calendar day's. A permit will only be issued after an on site inspection of the burn site and of the materials to be burned. Only the Fire Chief or Deputy Fire Chief can authorize a burn permit for more then seven day's.

SECTION 6

PENALTIES: Any person violating any of the provisions of this Ordinance shall be deemed guilty and upon conviction thereof shall be fined in the amount not exceeding \$500.00. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

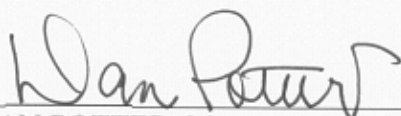
SECTION 7

UNCONSTITUTIONALITY: Any and all existing ordinances inconsistent with this ordinance are hereby repealed. Should any part of this ordinance be declared void or unconstitutional, the remaining ordinance shall remain in full force and effect.

Approved on First Reading this 15th day of August, 2008.

Approved on Second Reading this 16th day of September, 2008.

APPROVED:



DAN POTTER, Mayor

ATTEST:



EVELYN McDANIEL, CAO/City Clerk

PUBLISHED: In full in the Kentucky New Era this 2nd day of October, 2008.