

ORDINANCE NO. 557

AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF SPRINGFIELD, FLORIDA RELATING TO FIRE PREVENTION AND PROTECTION; PROHIBITING OPEN BURNING; PROVIDING DEFINITIONS; EXCEPTING CERTAIN REASONABLE AND SAFE BURNING ACTIVITIES; PROVIDING FOR CODIFICATION; SEVERABILITY; AND AN IMMEDIATELY EFFECTIVE DATE.

WHEREAS, the Legislature of the State of Florida has, in Chapter 166, Florida Statutes, conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry; and

WHEREAS, the City Commission intends to prohibit open burning in order to both reduce air pollution and reduce the risk of fire hazards in the community; and

WHEREAS, the City Commission recognizes the desire for citizens to engage in certain reasonable and safe burning activities, and therefore intends to exempt certain reasonable and safe activities from the open burning prohibition.

NOW, THEREFORE, BE IT ENACTED by the people of the City of Springfield, Florida that:

SECTION 1. From and after the effective date of this ordinance, CHAPTER 26, ARTICLE IV of the Code of Ordinances for the City of Springfield is created to read as follows (new text bold and underlined):

ARTICLE IV. - OPEN AND OUTDOOR BURNING

Sec. 26-70. - Purpose.

This article is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of Springfield by regulating the air pollution and fire hazards of open burning and outdoor burning.

Sec. 26-71. - Applicability; exceptions.

This article applies to all outdoor burning and open burning within the City of Springfield, except the following:

- (a) Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (b) The use of propane, acetylene, natural gas, gasoline or kerosene in a device that is third party tested and intended for heating, construction or maintenance activities.

Sec. 26-72. - Definitions.



Clean wood means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

Construction and demolition waste means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, demolition operations on a house, commercial or industrial building, or other structure, remodeling, repair, and

Fire chief means the Chief of Springfield Fire Department or other person designated by the fire chief.

Municipality means the City of Springfield, Florida.

Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

Outdoor burning means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

Patio wood-burning unit means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

Prescribed burning means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels.

Prescription means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

Refuse means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

Sec. 26-73. - General prohibition on outdoor burning and open burning.

Open burning and outdoor burning are prohibited in the City of Springfield unless otherwise specifically permitted as provided by this article. Open burning of the following materials is expressly prohibited and shall not be permitted:

- (a) Refuse and/or household garbage.
- (b) Construction and demolition waste.
- (c) Hazardous substances including but not limited to batteries, household chemicals, pesticides, used oil, gasoline, paints, varnishes, and solvents.
- (d) Furniture and appliances.
- (e) Tires.
- (f) Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- (g) Newspaper.
- (h) Corrugated cardboard, container board, boxes, books, magazines, printed materials, or office paper.
- (i) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

Sec. 26-74. - Burning of trees, logs, brush, stumps, leaves, and grass clippings.

Except as may be authorized by F.S. Ch. 590 and Rule 51-2, Florida Administrative Code, open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited, except that



commercial land clearing debris burning is permitted if, prior to the burn, an application is submitted with the appropriate fee and the Fire chief or his or her designee inspects the site and issues a burn permit with any necessary conditions. A permit may be terminated for noncompliance upon notice to the holder of the permit.

Sec. 26-75. - Agricultural burning.

Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this article.

Sec. 26-76. - Prescribed burning.

Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with F.S. § 590.125 and Rule 51-2, Florida Administrative Code.

Sec. 26-77. - Patio wood-burning units.

A patio wood-burning unit may be installed and used in the City of Springfield only in accordance with the following provisions:

- (a) The patio wood-burning unit shall not be used to burn refuse.
- (b) The patio wood-burning unit shall burn only clean wood or a commercially prepared log product designed for outdoor burning.
- (c) The patio wood-burning unit shall be located at least 25 feet from the nearest structure that is not on the same property as the patio wood-burning unit.
- (d) The patio wood-burning unit shall not cause a hazard or otherwise create a nuisance to neighboring property.
- (e) Any commercially prepared log product shall be used in accordance with the manufacturer's recommendation.

Sec. 26-78. - Fire suppression training.

Notwithstanding section 26-73 of this article, structures and other materials may be burned for fire suppression training only in accordance with all of the following provisions:

- (a) The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including tires and other hazardous materials.
- (b) Any standing structure that will be used in a fire suppression training must be inspected and should be inspected by a licensed asbestos inspector. A notification of this inspection must be submitted to the state department of environmental protection, air quality division, at least ten business days prior to burning a standing structure. The notification must be submitted using form "Notification of Intent to Renovate/Demolish."
- (c) All asbestos must be removed prior to conducting the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- (d) All ash shall be disposed of in an approved landfill or at an alternate location approved by the state department of environmental protection.
- (e) Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the fire chief determines that they are necessary for the fire practice.
- (f) At least 48 hours before a planned practice burn, residents within 1,000 feet of the site of the proposed burn shall be notified.



(g) All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

Sec. 26-79. - Burning permits.

- (a) Except for burns conducted pursuant to valid authorization under F.S. Ch. 590 and Rule 5I-2, Florida Administrative Code, no person shall start or maintain any outdoor burning or open burning regulated under this article without a burning permit issued by the risk reduction bureau of the city fire rescue.
- (b) Any person responsible for residential or commercial burning leaves, brush, clean wood or other vegetative debris under section 26-74 of this article shall obtain a one-time burning permit before starting the fire. The fee for each one-time burning permit shall be as set by the City Commission.
- (c) When weather conditions warrant, the fire chief or his designee may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open and outdoor burning.
- (d) A burning permit issued under this section shall require compliance with all applicable provisions of this article and any additional special restrictions deemed necessary to protect public health and safety.
- (e) Any violation of the conditions of a burning permit shall be deemed a violation of this article. Any violation of this article or the burning permit shall void the permit.
  - (1) Any person who is notified that a burning permit has been voided may within five business days request a review by the fire chief, or designee, and present any information which demonstrates that this article or the terms of the permit were not violated.
  - (2) The fire chief, or designee, shall send notice of the determination by regular U.S. mail within three business days as to whether the voided permit has been reinstated.

Sec. 26-80. - Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

Sec. 26-81. - Right of entry and inspection.

The fire chief, code enforcement officer, or any authorized officer, agent, employee or representative of the city fire department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.

Sec. 26-82. - Enforcement and penalties.

- (a) The fire chief and/or his or her designee, any law enforcement officer with the city police department, and the code enforcement officer are authorized to enforce the provisions of this article.
- (b) It is unlawful for any person, firm, association, partnership, corporation, or governmental entity to engage open and/or outdoor burning without compliance with requirements of this article.
- (c) Penalties. Violations of any section of this article may be enforced as provided in Section 1-12 of this Code, or by civil citation as provided in Chapter 42 of this Code. Any person not in compliance with any section of this article shall be subject to the penalties designated in Section 1-12 or Chapter 42 of this Code. Each violation shall be considered a separate offense, which can be prosecuted separately. Abatement of nuisances or fires may be carried

out by the Fire Chief or his or her designee pursuant to his or her authority to abate such conditions, or by the City of Springfield through Code Enforcement procedures.

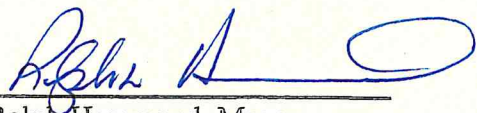
SECTION 3. It is the intent of the City Commission that the provisions of this ordinance shall become and be made a part of the City of Springfield's Code of Ordinances, and that the sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 4. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof, other than the part so declared.

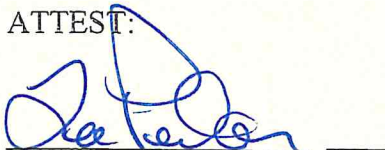
SECTION 5. This ordinance shall take effect immediately upon passage.

PASSED and ADOPTED in regular session, with a quorum present and voting, by the City Commission, upon second and final reading this 15<sup>th</sup> day of July, 2019.


City of Springfield, Florida

  
\_\_\_\_\_  
Ralph Hammond, Mayor

ATTEST:

  
\_\_\_\_\_  
D. Lee Penton, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Kevin Obos, City Attorney