

BILL NO. \_\_\_\_\_

ORDINANCE NO. 110321A

AN ORDINANCE OF THE CITY OF WHEATON REGULATING OPEN BURNING WITHIN  
THE CITY LIMITS OF THE CITY OF WHEATON

WHEREAS, the Aldermen for the City of Wheaton, Missouri desire to amend the ordinance regulating open burning within the City Limits of the City of Wheaton.

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WHEATON AS FOLLOWS:

SECTION ONE: Within the corporate limits of the City of Wheaton, the open burning of residential yard wastes consisting of leaves, tree trimmings, grass and weeds from vegetation grown on a residential property is permitted so long as the following is followed:

- a. No burning shall be allowed 30 minutes after sunset to 30 minutes prior to sunrise.
- b. The burning of tires, rubber products, hazardous materials, styrofoam, plastics, petroleum-based products, treated wood, asbestos containing material, demolition wastes, roofing shingles, furniture, mattresses, carpeting, carpet padding, wire for copper or any other solid waste other than exceptions listed herein is prohibited.
- c. No accelerants shall be used to start any fire within the City Limits of the City of Wheaton other than charcoal lighting fluid used for barbequing.
- d. All natural materials prior to and during burning shall be in piles not larger than 45 cubic feet or three foot high by three foot wide by 5 foot long.
- e. All ashes from wood heating stoves and/or fires shall be disposed of in a safe manner and shall not be placed in any trash receptacle.

SECTION TWO: Burning within the corporate limits of the City of Wheaton shall be conducted in compliance with the following:

- a. All fires must be at least twenty (20) feet away from any building, structure or property line.
- b. At no time shall a fire be located on a City Street.
- c. Fire-fighting materials such as water and/or fire extinguisher sufficient to contain any fire started under this Section will be at the site of the burning.
- d. All fires shall be monitored at all times from a point on the property where the fire is located by a person capable of containing a fire, should containment become necessary.

e. If the safety of the community or the public may be endangered, the Fire Department may invoke a temporary burning ban and no fires shall occur during the burning ban.

f. If climatologically conditions indicate open burning may create a health hazard, the Fire Department may invoke a temporary burning ban and no fires shall occur during the burning ban.

SECTION THREE: The discharge of fireworks within the City Limits of the City of Wheaton is prohibited unless the City of Wheaton City Council designates an exemption by resolution or ordinance, including Ordinance 060617.

SECTION FOUR: Any person engaged in open burning in violation of this Chapter shall be summonsed for an ordinance violation.

SECTION FIVE: This ordinance shall not apply to burning for outdoor, non commercial preparation of food, campfires or other fires used solely for recreational purposes or ceremonial occasions as long as such fires are comprised only of firewood, kindling, charcoal, or such other substance ordinarily used to start and maintain such a fire.

SECTION SIX: This ordinance supersedes and revokes any provisions of past ordinance(s) inconsistent with the provision of this ordinance, excluding ordinance 060617.

SECTION SEVEN: If any provision of this ordinance is held invalid, such invalidity shall not affect any other provision, or the application thereof, which can be given effect without the invalid provision or application and to this end the provisions of this ordinance are declared to be severable.

SECTION EIGHT: This ordinance shall be in full force and effect from the date of its final passage and approval.

SECTION NINE: Said approval being effective the 30<sup>th</sup> day of November 2021.

  
\_\_\_\_\_  
DAVID SHOCKLEY, MAYOR

ATTEST:

  
\_\_\_\_\_  
JOGINA PARK, CITY CLERK

BE IT REMEMBERED that the above Ordinance was adopted upon its final reading, by the following vote:

ALDERMAN JON BRATTIN	VOTES <u>yes</u>
ADLERMAN JEREMY MARTELL	VOTES <u>yes</u>
ALDERMAN CASEY PREWITT	VOTES <u>yes</u>
ALDERMAN BRANDON SHOCKLEY	VOTES <u>yes</u>