

Wyandotte County

Sec. 3-17. - Open burning prohibition.

- (a) Except as provided herein, no person shall dispose of residential waste or refuse by open burning or cause, allow, or permit open burning of residential waste or refuse.
- (b) No person shall conduct, cause or permit the conducting of a salvage operation by open burning.
- (c) No person shall cause or permit the disposal of nonresidential wastes or refuse by open burning.
- (d) Except as provided herein, no person shall otherwise cause, allow or permit open burning upon any property.
- (e) No person shall cause or allow to be initiated or maintained any open burning which creates a private or public nuisance or a hazard to public safety.
- (f) It shall be prima facie evidence that the person who owns or controls property on which open burning occurs has caused or permitted such open burning.
- (g) Exceptions to open burning prohibition are as follows:
 - (1) Fires used for the preparation of food such as barbecuing.
 - (2) Recreational or ceremonial bonfires and other recreational fires exclusive of those included in subsection (g)(1) of this section, provided prior written approval is obtained from the director and from the fire prevention division.
 - (3) Fires set in connection with agricultural operations related to the growing or harvesting of crops, provided that prior written approval is obtained from the director and from the chief of the fire prevention division.
 - (4) The use of safety flares for disposal of flammable gases for which there is no other practical means of disposal.
 - (5) Fires set for demonstration purposes related to the training of governmental or industrial personnel in firefighting procedures, provided prior written approval is obtained from the director and from the chief of the fire prevention division.
- (h) Open burning shall be permitted as follows:
 - (1) Open burning permits may be granted for the following types of waste:
 - a. *Nonresidential waste and extraordinary organic yard waste.* Fires set for the disposal of nonresidential waste or extraordinary organic yard waste may be permitted only when it can be shown by a person that such open burning is absolutely necessary and in the public interest. The burning of land clearing debris, including trees, brush and vegetation only, shall normally be considered as being necessary and in the public interest; provided that an approvable air curtain open pit destructor of suitable design and capacity is used to accomplish the burning, and further provided that such device is

installed maintained, and operated at maximum efficiency. An additional permit shall be obtained from the director prior to the use of an air curtain destroyer. A fee in the amount established by the county administrator or his designee shall be paid for such permit.

b.

Organic yard waste.

1.

Fires set for the disposal of organic yard waste generated on property for which the permit is sought may be permitted during the month of April and from October 16 through November 15 between the hours of 7:00 a.m. and 6:00 p.m. or as extended pursuant to subsection (2)i. below.

2.

Organic yard waste includes leaves, brush, dead wood, tree cuttings, and weeds. Burning of wire insulation, tires, and other rubber products, automobile parts, paper, cardboard, treated, painted, or finished wood, plastics, garbage, trash, petroleum products, asphalt materials, building materials, demolition debris, paints, agricultural chemicals, household chemicals, or any other material which normally emits dense smoke, noxious odors, or hazardous air contaminants is prohibited.

3.

Only one permit (for a maximum of three days) per property per burn month will be issued, unless the chief of the fire prevention division determines that it is in the interest of public health or safety to issue more than one permit or to extend it beyond three days.

(2)

Application and issuance of permits shall be as follows:

a.

Any person intending to engage in open burning of nonresidential wastes or extraordinary organic yard waste under this section shall file a request to do so with the director and the chief of the fire prevention division.

b.

Any person wishing to burn organic yard waste under this section during the month of April or during the period from October 16 through November 15, or as extended pursuant to paragraph i below, shall file an application at any fire station within 15 days and at least 24 hours before burning.

c.

The application shall state the following:

1.

The name, address, and telephone number of the person submitting the application.

2.

The schedule of burning operations.

3.

The type, quantity, and composition of waste to be burned.

4.

The exact location where open burning will be used to dispose of such waste.

5.

For nonresidential waste or for extraordinary residential waste, in addition to the information required in this subsection:

i.

The type of business or activity involved.

ii.

A description of the proposed equipment and operating practices, and the expected composition and amount of air contaminants to be released to the atmosphere.

iii.

Reasons why no method other than burning can be used for disposal of such waste.

iv.

Evidence that the proposed open burning has been approved by any fire department that may have jurisdiction.

d.

Upon approval of the application by the director and the chief of the fire prevention division in the case of nonresidential waste, and by the chief of the fire prevention division, in the case of residential waste, the person may proceed with the operation without being in violation of this section; provided that the person conducting the burning fully complies with all conditions and operating restrictions imposed as a part of such permit.

e.

The director or the chief of the fire prevention division may revoke such permit at any time for cause.

f.

The director or the chief of the fire prevention division may revoke any permit at any time or may ban all open burning if one or both of them determine burning would constitute a danger to public health or safety.

g.

Each such application shall be considered individually upon its merits and the director or the chief of the fire prevention division may decide that other factors require that such permit application be denied.

h.

The director or the chief of the fire prevention division or both may establish such conditions for burning or operational requirements in permitting the open burning authorized under subsection (h)(2)f. of this section as are necessary, in the judgment of the director or the chief of the fire prevention division, to minimize the air pollution emitted by such burning or to protect the health and safety of the public.

i.

The county administrator is hereby granted the discretion, after consultation with the director and chief of the fire prevention division, to extend the April or the October 16 to November 15 burn periods, as deemed necessary due to inclement weather or other conditions which prohibit or prevent burning during those established periods.

(3)

Under no circumstances shall open burning occur within 15 feet of any building or within 15 feet of the property line.

(4)

All open burning must be constantly attended until extinguished.

(5)

All persons conducting open burning shall have available the means for controlling or extinguishing the fire, such as a water supply or a fire extinguisher.

(6)

It shall be unlawful for any person to conduct open burning other than in accordance with the requirements set out in this section or in violation of any conditions or operating restrictions imposed by the director or the chief of the fire prevention division.

(Code 1964, § 2A-18; Code 1988, § 3-17; Ord. No. 52677, § 1, 2-28-1974; Ord. No. 61098, § 1, 3-6-1980; Ord. No. 0-03-00, § 1, 1-6-1999; Ord. No. O-52-99, § 1, 8-19-1999; Ord. No. O-54-09, §§ 1, 2, 7-9-2009; Ord. No. O-54-09, § 1, 7-9-2009)

