

ORDINANCE 403

AN ORDINANCE PROVIDING SPECIFIC RULES AND REGULATIONS CONCERNING BURNING OF ANY TYPE WITHIN THE CITY OF STILWELL, REPEALING ORDINANCES 321 AND 322.

WHEREAS, the health and safety of both the citizens of Stilwell and municipal employees is of paramount importance; and

WHEREAS, it is the opinion of this Council that adequate guidelines are essential for the efficient and effective fulfillment of the purpose of the Stilwell Fire Department,

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF STILWELL, OKLAHOMA:

SECTION 1. Burning Rules and Prohibitions

The rules set forth in this ordinance pertain to both commercial and residential properties.

- 1 Rules to be in effect for burning within the City limits
 - a. Burning on properties owned for residential or agricultural purposes is allowed by permit only, except when burning in a burn pit in accordance with section 2 of this ordinance.
 - b. Burning is limited to yard waste only, no trash, to include tires, can be burned. Yard waste is considered to be grass, leaves, tree branches or limbs, garden/shrub trimmings and vegetation.
 - c. All items burned must be clean and without chemicals of any kind like creosol, varnish, etc. No construction material such as wood that has been chemically treated for durability, plastic, veneer, or other products typically used in the building of structures, decks, furniture and the like can be burned.
 - d. Burning by permit is only allowed from one-half hour after sunrise to one-half hour before sunset. This means all fire, smoldering ash, smoke or embers must be completely extinguished during the hours of darkness, except as provide by section 2 of this ordinance.
 - e. No burning on any red flag days or any other day banned by local, county or state authorities.
 - f. No burning when the wind speed is above 15 MPH
 - g. Fires must be attended by an adult at all times
 - h. Fire extinguishing mediums, a charged water source, fire extinguisher, dirt, or sand all with sufficient size, pressure and quantity to extinguish the fire completely must be present at all times during the burning.
 - i. The fire shall not be within 25 feet of any structure or vehicle
 - j. Burn pile shall not exceed 15 feet in diameter.

SECTION 2. Burn Pits

- 1 Burn pit requirements:
 - a. The burn pit must be commercially purchased and/or meet the requirements listed below and be approved by the fire department representative.
 - b. Burn pits shall be used in accordance with the manufactures instructions.
 - c. Burn barrels such as a 55-gallon drum is not considered an approved burn pit.
 - d. The fire pits must have screening on all sides and the top.

- e. Burn pits must be constructed to withstand the heat generated by the fire and of a sufficient strength to handle the load of the wood burnt.
 - f. When a burn pit becomes damaged or rusted to the point it cannot operate as designed by the manufacturer it cannot be used.
 - g. Permanent burn pits can be constructed by obtaining a construction permit through the City Code Enforcement Department. A detailed drawing and list of construction materials will be needed.
2. Rules for burn pits
- a. If there is objectionable smoke, the fire must be extinguished
 - b. If the wind direction causes the smoke to invade neighboring structures, the fire must be extinguished
 - d. All wood burned must be clean of any bugs or insects of any type. Wood transferred or brought from another property is prohibited unless it is a commercial location that guarantees the wood will not contain insects or other bugs that can infest the city.
 - e. The fire must be contained wholly within the fire pit. no portion of the burning materials maybe outside of the screened area of the burn pit.
 - f. Burning outside the times listed in section 1 of this ordinance is allowed, however all other rules for burning listed in Section 1 of this ordinance shall apply.

SECTION 3: Permits

Burn permits may be obtained by calling or stopping at the Stilwell Fire Department, 918-696-7412, 20 West Walnut Street. The assigned fire department representative will inspect the location the burn is to be conducted. Once you receive approval from the fire department, a permit can be obtained at city hall Monday through Friday from 8:00 a.m. to 4:00 p.m. The fee for a permit will be in accordance with ordinance 385. A permit can will be valid for up to three days. If the permit is not used due to inclement weather a new permit can be obtained without a fee.

SECTION 4: Flammable or combustible liquids

Fuels such as kerosene, gasoline, diesel fuel or the like can be extremely dangerous and should not be used to start a fire. Using natural fire starting equipment like a match and kindling wood is always a best practice.

SECTION 5: Enforcement

Violations of this ordinance can be handled through the City Police Department, Fire Department and/or Code Enforcement office. Persons, firms or corporations in violation of this ordinance can be fined in accordance with the current municipal code, plus court costs

SECTION 8: Repeal and Severability

1. Existing Ordinance 321 and 322 are hereby repealed.
2. Any and all existing ordinances or portions thereof in conflict herewith be and the same are hereby repealed.

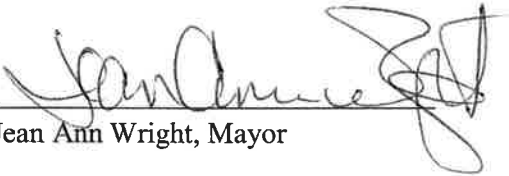
3. The provisions of this ordinance shall be severable and, if any of the provisions shall be held in contravention of the Constitution and laws of the State of Oklahoma, the decisions of the court shall not affect the validity of the remaining portions.
4. It is the intent of this ordinance that the same would have been adopted had such unconstitutional or unlawful provisions, if any, not been included herein.

PASSED by the City Council this 4th day of May, 2020.

APPROVED by the Mayor this 4th day of May, 2020.

ATTEST:





Jean Ann Wright, Mayor



Larry A, Nettles, City Clerk-Treasurer