ORDINANCE #588-20

AN ORDINANCE OF THE CITY OF SCRIBNER, NEBRASKA ESTABLISHING REGULATIONS FOR RESIDENTIAL FIREPLACES, PORTABLE FIRE PITS, CHIMINEAS AND OTHER FIRE CONTAINING UNITS; PROVIDING FOR DEFINITIONS; PROVIDING FOR PENALTIES FOR VIOLATION OF THE RULES AND REGULATIONS; PROVIDING FOR REPEAL OF ALL CONFLICTING ORDINANCES OR PARTS OF ORDINANCES AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF SCRIBNER, AS FOLLOWS:

SECTION 1: The following definitions shall apply in this section:

1. “Outdoor fireplaces” shall include fire pits, portable fire pits, in-ground fire pits and chimineas. These residential outdoor fireplaces use wood as a fuel and are used for containing recreational fires located at a private residence for the purpose of outdoor cooking and personal enjoyment. Outdoor fireplaces do not include barbeque grills that use propane or charcoal as a fuel and are used primarily for outdoor cooking.
2. “Portable fire pits” are defined as being commercially designed and intended to confine and control outdoor wood fires.
3. “Chimineas” are defined as outdoor patio fireplaces, usually made from clay, intended to confine and control outdoor wood fires.
4. “Fire pits” are usually constructed of steel, concrete and/or stone, and constructed above ground with a heavy steel screen cover.
5. “In-ground fire pits” are usually constructed of steel, concrete and/or stone, constructed partially below grade in a permanent, non-portable construction.

SECTION 2: All outdoor fireplaces shall meet the following requirements:

 1. *Clearances*. A minimum fifteen feet clearance shall be maintained between the outdoor fireplace and property lines and combustible structure or materials such as walls, roofs, fences, decks, wood piles, and other combustible material.

 2. *Construction*. Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. Not permitted are drums, barrels, half-barrels, or similarly constructed devices.

 3. Prior to construction of in-ground fire pits, underground utilities must be located by calling 811, Diggers Hotline. Proof of such location and construction shall be provided to the Scribner Utility Superintendent, Building Inspector and Scribner Fire Chief.

 4. *Size*. The fuel area for a fire pit shall not be larger than 3 feet in diameter and not more than 3 feet in height.

 5. *Location*. Portable fire pits and chimineas shall be placed on a stable, non-combustible surface such as a concrete pad and only at grade level and shall not be located on any combustible balcony or deck nor under any combustible balcony or any overhanging portion of a structure. In-ground fire pits will be located 10 feet from any gas line private or City owned.

 6. *Type of Materials Being Burnt*. Materials allowed by this section shall be limited to untreated wood or approved fireplace starter logs. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber, or any material that may flow out of the containment or cause excessive heat, smoke, or offensive smell shall not be permitted.

 7. *Amount of Materials Being Burnt*. Users must (a) limit the amount of material being burnt to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend six feet above the pit or into the chimney and (b) follow the manufacturer’s recommendation on the maximum amount of fuel to be used at one time with the spark guard in place.

 8. *Supervision*. Every outdoor fireplace shall be under constant supervision by at least one responsible person age 18 or older from the ignition of the fire until the fire is completely extinguished and embers are cooled so as to prohibit the fire from rekindling.

 9. *Provisions for Protection*. A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.

 10. *Weather Conditions*. Outdoor fireplaces shall not be operated when weather conditions are extremely dry. Outdoor fire places shall not be used during “Red Flag Warnings” issued by the National Weather Service, or burn bans issued by the Scribner Fire Department or Dodge County.

11. *Hazard*. Outdoor fireplaces shall be completely extinguished and/or not be operated when breezes or winds are blowing which will cause smoke, embers, or other burning materials to be carried toward any building or other combustible materials. The Fire Chief or an authorized representative shall have the authority to require that use of the outdoor fireplace be immediately discontinued if such use is determined to constitute any hazardous condition to the occupants, or occupants of surrounding property.

12. *Nuisance to Neighbors*. Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of any neighboring property owner of any smoke nuisance.

13. *Maintenance*. The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer’s instructions. At a minimum, the outdoor fireplace will be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

 (Neb. Rev. Stat. §§17-549, 17-556, 81-520.01)

SECTION 3: Any person or entity violating any of the foregoing rules and regulations shall be guilty of a violation of this Ordinance and shall be fined in a sum not to exceed the sum of $500.00 and pay costs of prosecution.

SECTION 4. All Ordinances, parts of Ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be effective upon approval, adoption and publication as required by law.

 Dated this 24th day of August, 2020

 CITY OF SCRIBNER, NEBRASKA

 ATTEST

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 Kenneth Thomas, Mayor

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Elmer Armstrong, Administrator/Clerk

CERTIFICATE

 The undersigned clerk/administrator of the City of Scribner, hereby certifies that the above and foregoing is a true and correct copy of the original Ordinance in my office of Ordinance #588-20 which was passed and adopted unanimously by the City Council of the City of Scribner on the 24th day of August, 2020.

 Dated this 24th day of August, 2020.

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 Elmer Armstrong, Administrator/Clerk

 City of Scribner, Nebraska