

ORDINANCE NO. 1380

[Revised February 12, 2014]

AN ORDINANCE REGULATING THE BURNING OF TRASH, BRUSH AND OTHER DEBRIS WITHIN THE CITY LIMITS OF THE CITY OF WEIR, KANSAS, AND PROVIDING PENALTIES THEREFOR.

WHEREAS the Governing Body of the City of Weir, Kansas has determined that it is necessary to restrict the open burning of trash and other debris within the city limits of the City of Weir, Kansas, therefore,

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WEIR, KANSAS:

Section 1. **Prohibition of burning of trash, etc.** It shall be unlawful to burn any household trash, wastepaper, rubbish, tires, petroleum products, oil, composition shingles, and tarpaper, including the use of such items to ignite or accelerate a burn.

Section 2. **Burning of tree limbs, stumps, and leaves.** The burning of tree limbs, stumps, and leaves within all areas of the city shall be done in accordance with the following guidelines:

- a. All material to be burned shall be dry and free of matter that inhibits combustion.
- b. It shall be unlawful to burn, or allow a fire to continue to burn, at nighttime between sunset and sunrise without special permission from the mayor or fire chief.
- c. No open burning of material shall be permitted when the surface wind speed is less than 5 miles per hour or greater than 15 miles per hour.
- d. No open burning of materials shall be permitted within 100 feet of any structure unless the owner or occupant of said structure has been notified prior to the burning.
- e. The person conducting any burning shall insure that the burning is supervised at all times until extinguished and that the burning is performed under conditions necessary to prevent emissions which
 1. may be injurious to human health, animal or plant life, or property, or
 2. may unreasonably interfere with the enjoyment of life or property.

Section 3. **Declaring a Burn Ban Within City Limits.** Chief of the Weir Volunteer Fire Department has the authority to declare a burn ban within the City Limits of Weir as deemed necessary.

Section 4. **Prima Facie Evidence.** It shall be prima facie evidence that the person who owns or controls property upon which burning occurs has caused or permitted the burning.

Section 5. **Penalties.** A violation of this ordinance shall be deemed a misdemeanor punishable by a fine of up to \$500.00.

Section 6. **Repeal of Conflicting Ordinances.** All existing ordinances of the City of Weir, Kansas, including but not limited to Ordinance 1298, are hereby repealed insofar as they may be inconsistent with the provisions of this ordinance.

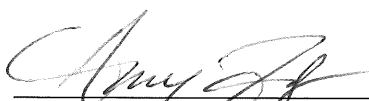
Section 7. **Unconstitutionality of Provisions.** If for any reason any section, subsection, sentence, position or part of this ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 8. **Time of Effect.** This ordinance shall take effect and be in full force from and after the date of its adoption and publication in the official city newspaper.

ADOPTED AND APPROVED by the Governing Body of the City of Weir, Kansas this 12th day of February, 2014.


Sandra Stricklin, Mayor

ATTEST


Amy Zortz, City Clerk

