

**CITY OF HARRINGTON  
ORDINANCE NO. 15-01**

**AN ORDINANCE REPEALING AND REPLACING CHAPTER 114, OPEN  
BURNING, OF THE CODE OF THE CITY OF HARRINGTON**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF  
HARRINGTON IN COUNCIL MET:

**Section 1.** That Chapter 114 shall be amended by deleting the existing  
chapter and substituting in lieu thereof the following:

**Chapter 114. Open burning.**

**§ 114-1. Definitions.**

The following words, terms, and phrases, when used in this Chapter, shall have  
the meanings ascribed to them in this Section, except where the context clearly  
indicates a different meaning.

**BARBECUING – COMMERCIAL**

The preparation and cooking of food by way of gas grill, charcoal grill, or other  
apparatus used for the cooking of food by way of flame produced through  
wood, charcoal, or gas for the purpose of cooking food for the sale to and/or  
consumption by the general public.

**BARBECUING – RECREATIONAL**

The preparation and cooking of food by way of gas grill, charcoal grill, or other  
apparatus used for the cooking of food by way of flame produced through  
wood, charcoal, or gas for the purpose of cooking food for the consumption  
by a family and/or guests or by the membership of a private organization or  
church congregation.

**OPEN BURNING**

The burning of materials wherein products of combustion are emitted directly  
into the ambient air without passing through a stack or chimney from an  
enclosed chamber.

**OUTDOOR FIREPLACE**

Any homemade or commercially produced fireplace, fire pit, or fire ring used  
for the kindling of wood.

**§ 114-2. Open burning prohibitions.**

Open burning of structures, brush, or bonfires shall not be permitted.

**§ 114-3. Fire dimensions.**

Open burning, when allowed, shall be kindled in such a manner as not to be a danger to vehicles or structures and shall not be of a size greater than 18 inches by 18 inches by 18 inches. Height of the fire shall be measured from the ground or from the bottom of the inside of the container being used to kindle the fire. Open burning shall not be kindled directly on the ground unless contained in a fire ring.

**§ 114-4. Fire clearances and time restrictions.**

Outdoor fireplaces shall have 36 inches clearance from all combustibles when in use. Portable fireplaces, fire pits, or fire rings shall be extinguished in a residential area between the hours of 12:00 midnight and 8:00 a.m.

**§ 114-5. Commercial barbecuing.**

A. Commercial barbecuing shall be permitted under the following conditions:

- (1) The location has been approved by the City Manager, and/or his/her designee.
- (2) One fire extinguisher of not less than five pounds ABC is to be located within ten feet of the cooking area. Cooking area and cooking fuels shall be secured from public access.
- (3) Approval from the board of public health has been obtained.
- (4) The operator shall make all reasonable attempts to avoid causing a nuisance to nearby property owners with smoke, fumes, or sparks.
- (5) All compressed flammable gas containers used for cooking shall be secured in such a way as to prevent them from being knocked, tipped, or blown over.

B. Any commercial barbecuing operations which are a continual nuisance because of smoke, fumes, or sparks shall be terminated by the City Manager, and/or his her designee, until such time as the City Manager, and/or his/her designee, is satisfied that the problem has been corrected.

C. Barbecuing of any kinds shall not be kindled within 200 feet of any fuel pump or storage tank fill. Cooking grease shall not be disposed of by placing it directly on the ground or in storm water drains.

**§ 114-6. Prohibited.**

- A. Multifamily residential dwelling units. In apartment buildings, condominiums, or any other multifamily residential dwelling of three or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. In or around apartment buildings or condominiums, recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.
- B. Unattended burning. It shall be prohibited for open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time. In the event that any open burning, commercial barbecuing or outdoor fireplaces are found to be unattended, the City Manager, and/or his/her, designee shall order the open burning extinguished.

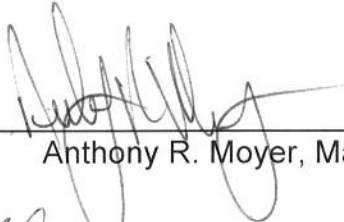
**§ 114-7. Violations and penalties.**

- A. Any person found to be in violation of this article, regardless of corrective actions taken, shall be punished for that violation by a fine as established in Chapter 180, Municipal Fees. Any such fine shall be in addition to any charges or assessments imposed upon the violator pursuant to this Chapter. All fines imposed shall be in accordance with the minimum fine schedule set in Chapter 180, Municipal Fees.
- B. Every day that a violation of this article continues shall be considered a separate offense, for which the violator may be fined without necessity of further notice.
- C. In determining the applicable minimum fine, an offense shall be considered a recurring offense only if the owner of the property has previously been found to have caused or permitted the same nuisance at the same location within the past 18 months, or for every day that the violation of this article continues.

**Repealer.** All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

**Effective Date.** The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.

  
\_\_\_\_\_  
Anthony R. Moyer, Mayor

Attest:   
\_\_\_\_\_  
Kelly Blanchies, Clerk of Council

Date of Adoption: March 2, 2015

**SYNOPSIS**

This Ordinance replaces Chapter 114, Open Burning, to allow some types of open burning and commercial barbecuing and restricting the size and location of open fires and residential barbecuing.

First Reading: January 20, 2015

Public Hearing: March 2, 2015

Second Reading: March 2, 2015