

ORDINANCE 2023-015

AN ORDINANCE AMENDING TITLE 4, HEALTH AND SANITATION, CHAPTER 3, WEEDS AND TRASH, SECTION 4, OPEN BURNING, CREATING PROVISION FOR COMMERCIAL BURNING.

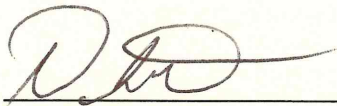
NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF TRUSEES OF THE TOWN OF FORT GIBSON, OKLAHOMA, THE FOLLOWING AMENDMENT TO THE ABOVE STATED ORDINANCE TITLE AND SECTION.

4-3-4: Open Burning:

- A. No person shall cause or permit any open burning in any public or private place outside any building except as may be authorized by state department of health regulations.
- B. Commercial Burn Permit Authorized
 - 1. Permit Application: Application for commercial property open burning shall be submitted in writing no less than five (5) days and no more than fourteen (14) days before the fire is set and shall be in such form and contain such information as required by the Town. Such information shall contain, at a minimum, information specifying the purpose of the fire, the nature and quantities of material to be burned, the proposed date, the location of the burn site, the on-site fire extinguishing equipment to be provided, and the responsible party for the burn, and must include the signature of the property owner of the property on which the proposed burn will take place. Burn applications must be completed and returned to Town Hall between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday and must include payment of a \$25.00 application fee.
 - 2. Notification of Fire Department; Approval of Fire Chief Required: No less than one (1) hour prior to the scheduled burn, the Fort Gibson Fire Department shall be notified by telephone at (918) 478-3551. The final decision as to whether any proposed burn will be allowed shall be that of the Fire Chief or his designee. However, even where approval for a burn has been granted, no burning shall commence when conditions are unfavorable (i.e., when high winds exist or when Muskogee or Cherokee County are under burn bands issued at the State level) or when there exists a perceived danger of a fire hazard as determined by the Fire Chief or his designee.
 - 3. Prohibited Material: Only brush/debris gathered from the burn site area may be included under any permit issued hereunder. There shall be no inclusion of brush/debris from other properties allowed. Insulation, treated lumber, plastics, non-wood construction/demolition materials, potentially explosive materials, chemical waste, animal carcasses or waste, and items containing natural or synthetic rubber are strictly prohibited. All brush/debris piles shall not exceed 20'x20' with a height of no greater than 10'. Logs must be no greater than 23" in diameter and cannot be any longer than 10' in length.
 - 4. Location: Burning authorized under this section must be conducted down wind of or a minimum of 150' from any inhabitable structure and must not be less than 50' from any power line or other exposure that may be affected by the burn (i.e., property boundaries, street signs, telephone boxes, etc.).

5. Burn to be Attended: Any open burn allowed under the provisions of this section shall be constantly attended by a competent adult until the fire is completely extinguished. Such persons shall have available a reliable water supply and/or other fire extinguishing equipment readily available for use during the duration of any such fire. Failure to comply with this condition may be reason for immediate revocation of the permit, may subject the applicant to a fine as set forth below, and the Fire Department may immediately extinguish the fire and bill the applicant for resources expended for any action related to a violation of this paragraph.
6. Violation; Penalty: Violations of this section shall be punishable by a fine of \$200.00 for the first offense, \$500.00 for a second offense, and a \$1,000.00 fine and permanent ban of any person or organization of whatever type for a third offense.
7. Liability; Compliance with Laws: The authority to conduct open burning under this section does not exempt or excuse any permit holder hereunder from the consequences, damages, or injuries resulting from such burning and does not exempt or excuse anyone from complying with all other applicable laws and/or ordinances, even though such burning is otherwise conducted in accordance with this section.

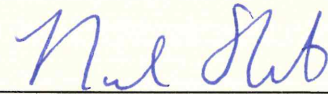
PASSED AND APPROVED BY THE BOARD OF TRUSTEES OF FOR THE TOWN OF FORT GIBSON, OKLAHOMA, THIS 10 DAY OF April, 2023.



Tim Smith, Mayor



ATTEST:



Nicole Sloat, Town Clerk