

CITY COUNCIL

READ FILE COVER SHEET

Subject: **Ordinance 1073 Amend Chapter 35 regarding
Burning Outdoor**

(Public Hearing)

Date: **4/19/2022**

Notice: Any comments made after 5:00 p.m. on the Thursday before the Council Meeting will not be seen in the agenda packet.

Purpose:

- FYI
 Read and Comment as Needed
 Action Required by May 2, 2022
 In Confidential File Drawer

Approve:

Casi Boyer Yes No No Comment
Comment: _____

David Glenn Yes No No Comment
Comment: _____

Dave Martin Yes No No Comment
Comment: *attached* _____

Jim Ringsaker Yes No No Comment
Comment: _____

Jason Robertson Yes No No Comment
Comment: _____

Carolyn Zinner Yes No No Comment
Comment: _____

Note: N/A

CITY COUNCIL
OF
HAVRE DE GRACE, MARYLAND

ORDINANCE NO. 1073

Introduced by _____ Council Member Ringsaker _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF HAVRE DE GRACE ADOPTED PURSUANT TO THE AUTHORITY OF ARTICLE XI-E OF THE MARYLAND CONSTITUTION, THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AND SECTIONS 33 AND 34 OF THE HAVRE DE GRACE CITY CHARTER, FOR THE PURPOSE OF AMENDING CITY CODE CHAPTER 35 REGARDING BURNING OUTDOOR

On: 4/18/2022

at: 7:00 p.m.

Ordinance introduced, read first time, ordered posted and public hearing scheduled.

PUBLIC HEARING

A Public Hearing is scheduled for 5/2/2022 at 7:00 p.m.

EXPLANATION

Underlining indicates matter added to existing law.

[Bold Brackets] indicate matter deleted from existing law.

Amendments proposed prior to final adoption will be noted on a separate page with line references or by handwritten changes on the draft legislation.

BE IT ORDAINED, that Chapter 35 Burning, Outdoor is hereby amended as follows:

§ 35-2 Burning leaves[, paper and refuse] or household trash prohibited.

It shall be unlawful to burn leaves[, paper or other refuse] or household trash in any manner on public or private property. The exception to this is the use of paper or cardboard material for the purpose of igniting recreational fires.

§35-3 Location, size and conditions.

Recreational fires shall not be conducted within 15 feet of a structure or combustible material. Conditions that could cause a fire to spread within 15 feet of a structure shall be eliminated prior to ignition. Recreational fires cannot be more than three feet in diameter and must be two feet or less in height. If a recreational fire produces excessive smoke or creates a hazardous or objectionable condition, the police department may deem it a nuisance and order the fire extinguished.

§35-4 Attendance and prohibition.

Recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. On-site fire-extinguishing equipment, such as a fire extinguisher, dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. All fires shall be prohibited when atmospheric conditions or local circumstance make such fires hazardous, or when a burn ban has been declared by the State Fire Marshal.

§ 35[-3]5 Violations and penalties.

Any person convicted of committing any unlawful act as provided in this chapter shall be guilty of a misdemeanor. If any unlawful act is continuing, then each day during which such violation continues shall be considered a separate offense. In addition to any criminal penalty which may be imposed, all the provisions of this chapter may be enforced by petition for injunction filed on behalf of the Mayor and City Council of Havre de Grace.

NOW, THEREFORE, it is determined, decided, and ordained by the City Council that the foregoing amendments to the City Code as restated above are hereby approved.

ADOPTED by the City Council of Havre de Grace, Maryland this ____ day of _____, 2022.

SIGNED by the Mayor and attested by the Director of Administration this ____ day of _____, 2022.

ATTEST:

THE MAYOR AND CITY COUNCIL
OF HAVRE DE GRACE, MARYLAND

Stephen J. Gamatoria
Director of Administration

William T. Martin
Mayor

Introduced/First Reading: 4/18/2022

Public Hearing: 5/2/2022

Second Reading/Adopted:

Effective Date:

Dave Martin's thoughts

Concerns about new technology Firepits:

Low Smoke

Bonfire's double-walled design offers superior airflow and a prime secondary burn for uninterrupted enjoyment in the outdoors. The wood-burning flames get 400° hotter than conventional fires, eliminating smoke and creating fine ashes.



Can I burn it on a wood deck?

You are required to use the Stand when burning on a wood deck. As long as you use the Stand, heat transfer is minimized and it is safe on most any surface.

Wood fire pit tables are probably the most traditional option and most closely resemble a bonfire. A wood fire can be harder to start than gas, and it requires more tending than other fuel types. There can be greater safety risks with a wood fire pit table, too, and some municipalities have laws governing the use of wood-burning devices on covered porches or patios.



BE IT ORDAINED, that Chapter 35 Burning, Outdoor is hereby amended as follows:

§ 35-2 Do Not Burn: It shall be unlawful to burn in any manner on public or private property

- ✓ Wood products that contain glue or resin
- ✓ Garbage, including food waste
- ✓ Treated or unpainted wood, like materials from wood decks.
- ✓ Unseasoned or wet wood
- ✓ Animal carcasses
- ✓ Yard waste
- ✓ Construction material
- ✓ Anything that will release toxic emissions, strong odors, or dense smoke when burned
- ✓ Materials that contain grease, plastic, asphalt, paint, rubber.
- ✓ The exception to this is the use of paper or cardboard material for the purpose of igniting recreational fires.

§35-3 Guide Lines:

- ✓ Whether your fire pit is portable or in the ground, it should have enclosed sides that are 6-12 inches high at the very least. It should also be made of materials that aren't combustible such as heavy-duty metal, brick, or stone.
- ✓ If you choose to build an in-ground fire pit, it needs to be lined with material that is non-combustible, such as a heavy gauge metal or brick and mortar.
- ✓ When building your pit, there should be a base underneath the fire pit that is at least ten inches deep. Make your base out of materials such a rock, sand, or gravel. This non-combustible base allows you to build a fire without that fire coming into direct contact with the earth.
- ✓ Always be sure to add a border around your fire pit in case any burning debris accidentally ends up outside of your burning area. This border should be made from at least sand or gravel or patio from paving stones around the fire pit.
- ✓ To ensure your fire pit is within recreational sizing guidelines, do not create an open fire larger than 3 feet in diameter and 2 feet high.

§35-34 Location, size and conditions. Fire Pit Distance from House, Property Line, and Other Structures:

- ✓ Recreational fires shall not be conducted within **15** 25 feet of a structure or combustible material.
- ✓ When prepping your fire pit area removal of any combustible materials from around the pit within a distance of **15** 25 feet is required. This includes your house, sheds, fences, bushes, trees, and shrubs. This should also address issues with wind direction pushing toxic fumes your way. Any mulch, brush, leaves, and pine needles should be removed. You can collect it and use it in your fire as a starter or kindling to get things going.
- ✓ **How close a fire pit is allowed to be to the border of a property line?**
- ✓ A height clearance above the fire pit of 21 feet, to allow for overhead branches.
- ✓ Avoid placing your fire pit on uneven ground.
- ✓ Make sure you are not placing your fire pit underneath any power lines.

§35-45 Operation Guidelines Attendance and prohibition.

- ✓ Recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is **has been** extinguished **completely**.
- ✓ You must have a mesh screen cover handy to contain any sparks and embers that may get out of control.
- ✓ You must keep fire suppression equipment close enough that it can be used immediately if the fire should start to become a problem. Acceptable items would be a fire extinguisher, garden hose, water buckets, water barrel, dirt or sand.
- ✓ You must keep the fire in outdoor fire pits to a reasonable and controllable size.
- ✓ Keep a bucket of sand nearby to help in an emergency, or if windy conditions increase.
- ✓ The only firewood allowed is dry, clean, and seasoned firewood; no lighter fluid or other flammable materials may be used.
- ✓ All fires shall be prohibited when atmospheric conditions or local circumstance make such fires hazardous, or when a burn ban has been declared by the State Fire Marshal.

§35-36 Violations and penalties.