CITY OF NORBORNE

BILL NO. 8-26 ORDINANCE NO. 695

AN ORDINANCE OF THE CITY OF NORBORNE, MISSOURI, REGARDING OPEN BURNING WITHIN THE CITY OF NORBORNE, MISSOURI.

WHEREAS, the Board of Aldermen of the City of Norborne, Missouri, has determined that it is in the best interests of said City to adopt an ordinance to revise the rules and regulations for open burning within the limits of the City of Norborne, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NORBORNE, MISSOURI, A MUNICIPAL CORPORATION, AS FOLLOWS:

SECTION I – Definitions

A. BONFIRE: An after-sunset outdoor fire burning of only clean, dry firewood for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

B. COMMERCIAL LAND CLEARING: Areas being cleared and burned for purposes to build commercial, industrial, residential dwellings. This does not include tree trimming, gardening, or leaves.

C. FIRE PIT: Below-ground pits, freestanding fireplaces, and portable devices intending to contain and control small outdoor fires.

D. OPEN BURNING: An outdoor fire or outdoor smoke-producing process from which air contaminants are emitted directly into the outdoor atmosphere. Open fires include burning in barrels or modified barrels. Fire pits and burning in patio containers are not considered "open burning" as herein defined.

E. OWNER: Any person, firm, partnership, corporation or other entity who alone or jointly or severally with other persons, firms, partnerships, corporations or other legal entities, has legal title to any premises. The term does not include a lessee, sublessee or other person who merely has a right to occupy or possess the premises.

F. PREMISES: Any building, structure, or combination of buildings or structures that serve as dwelling units, such as single-family, multiple-family, or any other area within a building, structure or combination thereof which is used for any purpose.

G. RECREATIONAL FIRE: An outdoor fire where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill, or barbecue pit and has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height, for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

H. UNTREATED WOOD: Lumber or other wooden materials that have not been chemically treated for resistance to moisture, fire, fungi, insects, or other pests or has not been treated

or manufactured with the chemicals, or that does not contain adhesives or resins. Untreated wood does not include plywood, particle board, chipboard, or wood with other than insignificant quantities of paint, coatings or finish.

I. YARD WASTE: Organic material such as leaves, brush, garden waste, and tree branches and limbs.

SECTION II – Open Burning of Yard Waste

A. Open burning of yard waste is prohibited within the City Limits, except under the following conditions:

1. Open burning from daylight to dusk by the landowner of yard waste generated upon a landowner's property.

2. Open burning of yard waste from daylight to dusk not generated upon a landowner's property shall be permitted under the terms and conditions set forth in a written permit issued by the Fire Chief or his/her designee. Such written permit shall specify the time and place such a burning shall be permitted.

3. No burning shall be permitted on Town right-of-way except by the Town.

4. Open burning shall be allowed after obtaining a permit or other proper authorization from the Fire Chief or his/her designee for recognized forestry or range or wildlife management practices, prevention or control of disease or pests, or heating for warmth of outside workers.

5. The location for any open burning shall be set back a minimum of six (6) feet from adjoining property lines and shall be not less than twenty-five (25) feet from any premises and provisions shall be made to prevent the fire spreading to within twenty-five (25) feet of any premises.

6. A yard waste fire shall not be more than five (5) feet by five (5) feet by five (5) feet in dimension and if in a container, not more than can be placed within an upright metal container no larger than fifty-five (55) gallons in capacity.

7. Open burning shall not be used for waste disposal purposes or burning of inorganic material, shall be of the minimum size of the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.

8. All open burning shall be constantly attended by a competent adult person until such open burning is extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

9. Open burning for commercial land-clearing operations must be preapproved by a permit to open-burn vegetative or untreated wood obtained through the Missouri Department of Natural Resources, and the Town of: NORBORNE

Emergency Services.

10. Open burning shall be allowed without prior notification to the Fire Chief or his/her designee for highway safety flares, railroad smudge pots and similar occupational needs.

11. The Fire Chief or his/her designee may prohibit open burning which, in his opinion, is unreasonably offensive or objectionable due to smoke or odor emissions. The Fire Chief or his/her designee may order the extinguishment of such unreasonably offensive or objectionable open burning, by the property owner/occupant or, if the property owner/occupant fails to act with a reasonable time, by the Fire Department. Engaging in open burning within the Town is authority from the property owner for the Fire Department to come to the property where the fire is located to extinguish the open burning if necessary.

12. Open burning shall be allowed, with prior notification to the Fire Chief or his/her designee and upon receipt of written permission from the jurisdictional EPA (Environmental Protection Agency) authority and/or Missouri Department of Natural Resources, provided that any conditions specified in the permission are followed, for:

    a. Disposal of hazardous or toxic material where the EPA determines that there is no practical alternative method of disposal.

    b. Instruction in methods of firefighting or for research in control of fires, in emergency or other extraordinary circumstances.

    c. In emergency or other extraordinary circumstances for any purpose determined to be necessary by the EPA, disposal of landscape waste other than residential and agricultural waste, and recognized agricultural or horticultural management purposes to maintain or increase the quantity or quality of agricultural or horticultural production.

13. Yard waste fires shall be ignited only by a small amount of paper and no flammable liquids will be used to ignite such fires.

14. Any party who starts or maintains a yard waste fire that is allowed to burn out of control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.

SECTION III –Recreational Fires

A. No recreational fire may be started or allowed to continue burning unless such recreational fire is fully contained within an approved fire pit or portable fireplace.

    (1) An approved fire pit is either a below-ground dug pit at least twelve (12) inches below grade and not greater than thirty-six (36) inches inside diameter or square (inside edge of the pit to the opposite inside edge), or an at-grade area not

greater than thirty-six (36) inches in diameter or square with a wall of material that can withstand high heat that is at least two (2) feet in height. The area around a below-ground pit must be covered with non-combustible material for a distance of three (3) feet from the edge of the pit. The bottom of either kind of pit must be covered with non-combustible material, such as heat-resistant ceramic brick, sand, or rock. The fire pit must be enclosed with a spark arrestor.

(2) A portable fireplace is a commercially available appliance designed to contain a wood fire when operated according to manufacturer's instructions with all lids, screens and spark arresting devices in place.

B. No recreational fire pit shall be closer than twenty-five (25) feet from any dwelling, building structure, shed or garage or closer than ten (10) feet from any wooden fence, deck, or combustible material, including dry grass or leaves. Portable fireplaces shall not be within ten (10) feet of any structure or combustibles; all recreational fires are to be set back a minimum of six (6) feet from adjoining property lines. Portable fireplaces must be placed upon a secured, non-combustible surface.

C. No recreational fires shall be started or allowed to continue burning when the wind direction or wind speed will cause embers or other burning material to be carried onto any building, combustible material, or a neighboring property; nor at any time that the direction of the wind will carry smoke into the open windows of any building.

D. Fuel for outdoor recreational fires shall consist of natural wood, manufactured fire log material or coal, and may not include leaves, yard waste, rubbish, garbage, trash, construction materials, any materials made of or coated with rubber or plastic, leather or petroleum-based materials and may not contain any flammable or combustible liquids. Flammable or combustible liquids may not be used to aid in starting any outdoor fire.

E. Recreational fires shall be constantly attended and supervised by a competent person at least eighteen (18) years of age until the fire has been completely extinguished. The means for extinguishing any fire must be immediately available at all times when a recreational fire is burning. Proper fire extinguisher equipment includes, but is not limit to, a garden hose, shovels, water buckets or an ABC-rated fire extinguisher with a capacity of at least ten (10) pounds. A fire must be completely extinguished — cold to the touch — when not attended.

F. Any party who starts or maintains a recreational fire that is allowed to burn out of control shall be held responsible for paying any costs associated with fire control efforts to extinguish the fire.

G. No fire shall cause a nuisance. Any release of noxious smoke, offensive odor or smoke of sufficient quantity or quality so as to inhibit the use and enjoyment of neighboring property is hereby declared a nuisance. If the City is called to investigate a fire, the responding official has the authority to require it to be extinguished.

SECTION IV –Bonfires

A. Bonfires Are Permitted By Application Only. Applications for open burning bonfires shall be obtained from the Fire Chief or his/her designee on or before the day of bonfire and shall be in such form and contain such information as required by the Fire Chief or his/her designee. Such applications shall contain, at a minimum, information regarding the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, and the location of the burning site.

B. Fuel for a bonfire shall consist only of seasoned dry firewood and be ignited with a small quantity of paper. The fire shall not be used for waste disposal purposes with the intent to minimize the generation of air contaminants.

C. A bonfire shall be no more than five (5) feet by five (5) feet by five (5) feet in dimension, shall be set back a minimum of six (6) feet from adjoining property lines and shall burn not longer than three (3) hours. The size and duration of a bonfire shall only be increased by the Fire Chief or his/her designee when it is determined that fire safety requirements of the situation and the desirable duration of burn, warrant the increase.

D. All permits shall be requested by and issued to the owner of the land upon which the bonfire is to occur.

SECTION V – Violations and Penalties

Upon conviction of said violation, such person shall be fined by an amount not to exceed two hundred fifty dollars ($250.00) plus court costs.

SECTION VI – Effective Date.

This ordinance shall in full force and effect from and after August 11, 2026.

Read three (3) times and duly ADOPTED AND PASSED by the Board of Aldermen of the City of Norborne, Missouri, this 11 day of August, 2026, at a meeting duly called and convened and at which a quorum of said Board was present.

Mayor

[SEAL]

ATTEST:

City Clerk

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APPROVED by the Mayor this 11 day of August, 2026.

Mayor

[SEAL]

ATTEST:

City Clerk

CERTIFICATE

I, Carol Stevens, being the duly elected, acting and constituted City Clerk of the City of Norborne, Missouri, a municipal corporation of the fourth class of the State of Missouri, do hereby certify that the above and foregoing is a true and complete copy of Ordinance No. 695, as duly adopted at a meeting of the Board of Aldermen of such city, duly called, convened and held on August 11, 2026, at which time 4 of the 4 members of the Board of Aldermen were present and voting.

I do hereby further certify that said Ordinance is still in full force and effect and has not been rescinded, altered or amended as of this date.

Dated at Norborne, Missouri, this 11 day of August, 2026.

[SEAL]

Carol Stevens, City Clerk