

§ 91.22 APPEALS.

Whenever the Code Enforcement Officer shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Code Enforcement Officer within 30 days from the date of the decision, by requesting a hearing on the matter before the State Fire Prevention and Building Safety Commission by written petition requesting a hearing on the matter before the State Fire Prevention and Building Safety Commission by written petition requesting the hearing and setting forth a brief statement of the grounds therefor. Any person aggrieved by the decision of the Commission may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of the state.

(Prior Code, § 6-97) (Ord. 1982-11, passed - -1982)

OUTDOOR BURNING

§ 91.35 PURPOSE.

The purpose of this subchapter is to regulate and control the outdoor burning of materials in residential developments in the unincorporated areas of the county.

(Prior Code, § 6-110) (Ord. 1985-6, passed 7-22-1985)

§ 91.36 DEFINITION.

A **RESIDENTIAL DEVELOPMENT** shall be any two or more adjoining parcels of real estate, used or intended for residential purposes, whether platted or unplatted, neither or none of which exceeds three acres in size. It shall also include any parcel or parcels of real estate containing an apartment complex or used as a mobile home park.

(Prior Code, § 6-111) (Ord. 1985-6, passed 7-22-1985)

§ 91.37 PROHIBITION AGAINST UNREGULATED OUTDOOR BURNING.

It shall be unlawful to burn or cause to be burned in the outdoors any material on any real estate in a residential development in the unincorporated areas of the county, unless the burning complies with the provisions of this subchapter.

(Prior Code, § 6-112) (Ord. 1985-6, passed 7-22-1985) Penalty, see § 91.99

§ 91.38 RULES.

(A) The following types of outdoor burning and fires shall be permitted outdoors:

(1) The burning of residential refuse and trash, all of which must be completely combustible, in a noncombustible container with enclosed sides, a bottom and a mesh covering with openings no larger than one-quarter inch square;

(2) The burning of organic vegetation, such as leaves and grass;

(3) Campfires; and

(4) Cooking fires.

(B) Except as noted, all types of outdoor burning and fires permitted under division (A) above shall be subject to the following.

(1) Fires shall be attended at all times until completely extinguished.

(2) Except in the case of campfires and cooking fires, all burning shall occur during daylight hours and all burning material must be consumed by sunset or the fire must be extinguished at sunset. No fire shall be permitted to smolder after sunset.

(3) Except in the case of cooking fires, all burning must take place at least 25 feet from any structure.

(4) No burning shall take place on any public road, street or alley on any public right-of-way.

(5) No burning shall take place during unfavorable meteorological conditions such as temperature inversions, high winds, air stagnation and the like.

(6) No highly explosive or other highly volatile materials or substances shall be burned.

(7) No material or substance shall be burned which would create an air pollution problem, including, but not limited to, toxic materials and substances, hazardous wastes, rubber tires and petroleum products and derivatives.

(8) No burning shall take place which creates an air pollution problem, a public nuisance or a fire hazard. Any fire which becomes an air pollution problem, a public nuisance or a fire hazard shall be immediately extinguished.

(C) Except as permitted under division (A) above or § 91.39, all other types of outdoor burning and fires on any real estate in a residential development in the unincorporated areas of the county are prohibited.