

ORDINANCE NO. 497

AN ORDINANCE OF THE CITY OF WATHENA, KANSAS, RESTRICTING THE BURNING AND DISPOSAL OF TRASH, GARBAGE, AND COMBUSTIBLE MATERIALS WITHIN THE CITY, CREATING AN OFFENSE FOR VIOLATING SUCH RESTRICTIONS, PROVIDING FOR PENALTIES FOR SUCH VIOLATIONS, AND REPEALING ORDINANCE NO 443 AND 491 AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES OF THE CITY OF WATHENA IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WATHENA, KANSAS:

SECTION 1. DEFINITIONS. When used in this Ordinance:

- (a) "Person" means an individual, public or private corporation, government, church, school, partnership, or unincorporated association.
- (b) "City" means the City of Wathena, Kansas, the Governing Body thereof, and all real property situated within the corporate limits of said City.
- (c) "Fire Department" means Rural Fire District Number 1 Chief, Assistant Chief or their designee.
- (d) "Garbage and Trash" means any tree limbs, leaves, weeds, grass, lumber, paper, animal dung, household garbage, and any and all other refuse discarded items, and combustible materials but shall not include charcoal, briquettes, and similar materials utilized during the course of outdoor grilling and/or cooking.

SECTION 2. BURNING OF GARBAGE AND TRASH UNLAWFUL AT CERTAIN TIMES AND PLACES. It shall be unlawful and a misdemeanor for any person to burn any garbage or trash out of doors within the corporate limits of the City in violation of any of the following:

- (a) The burning of heavy oils, tires, tar paper, household garbage, animal dung, and other materials producing either offensive smoke or odors shall be prohibited at all times and at all places.
- (b) There shall be no burning except between the hours commencing at 7:00 A.M. and ending at 7:00 P.M. All fires shall be extinguished at all other times.

- (c) There shall be no burning on Sunday or any legal holiday.
- (d) There shall be no burning at any time without such fire being personally attended.
- (e) There shall be no burning at any time the Governing Body of the city shall, by Resolution, determine that weather conditions or local circumstances make fireplaces hazardous.
- (f) There shall be no burning within twenty (20) feet of any building.
- (g) No dwelling, garage, shed, or other structure, of any size or nature, shall be burned at any time without first obtaining a permit from the City in cooperation with the Fire Department authorizing the burning of such structure. The City may place such conditions on the burning of such structure as it deems necessary to safeguard and protect persons and property within the City. The application for such permit shall state the time, date and location of the intended burning. The duration of any such permit shall not exceed thirty (30) days from the date of its issuance.
- (h) No burning shall be permitted upon or within any street in the City.
- (i) All persons burning in accordance with this Ordinance must comply with all applicable State and Federal laws.

SECTION 3. PERMIT FOR BURNING. The City in cooperation with the fire department shall have the right to issue a permit to any person which permit will authorize the applicant to burn in contradiction to the terms and provisions of Section 2 hereof.


SECTION 4. PENALTIES. Any person who shall violate any of the provisions of Section 2 of this Ordinance shall, upon conviction, be punished by a fine of not more than Two Hundred Dollars (\$200.00) or be sentenced to a term of confinement of not to exceed thirty (30) days or by both such fine and imprisonment or any combination thereof.

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SECTION 5. REPEALER. Ordinance No. 443 and 491 and all other ordinances and parts of ordinances of the City of Wathena, Kansas, in conflict herewith are hereby repealed.

SECTION 6. EFFECTIVE DATE. This Ordinance shall take effect and be in force from and after its publication in the Wathena Times, the official City Newspaper.

PASSED by the Council and APPROVED by the Mayor on the 2nd day of September, 1997.



Fred L. Allen

ATTEST:


Karen Gilland, City Clerk

(CITY SEAL)