

CITY OF VERSAILLES
ORDINANCE NO. 2022-33

TITLE: AN ORDINANCE REPEALING SECTION 92.04 OF THE
CODE OF ORDINANCES AND REGULATING OPEN BURNING
WITHIN THE CITY

Whereas, the City Council has determined that § 92.04 of the City's Code of Ordinance provides insufficient guidance concerning open burning within the City and that better guidance would promote the health, safety and welfare of the residents of the City of Versailles;

NOW, THEREFORE, BE IT ORDAINED IN THE CITY OF VERSAILLES, KENTUCKY as follows:

Section 1. § 92.04 of the City's Code of Ordinances is hereby repealed.

*Section 2. **General Rules for Open Burning.*** The City adopts the following general rules for open burning within the City:

1. Unless exempted by a provision of this ordinance, no open burning within the City of Versailles shall occur without a permit from the City Fire Chief, or his designee;
2. Applications for a burning permit shall be made upon a form prescribed by the City Fire Chief;
3. Permits may be issued by the City Fire Chief for such duration as may be determined appropriate by the Chief, not to exceed thirty (30) days, and may contain such conditions as may be necessary to guarantee safety and minimize negative impact on public health;
4. The City's ordinances permitting open burning shall be subject to any applicable executive orders issued by the Governor, County Judge or Mayor creating temporary bans on burning;
5. All open burns with the City must comply with KRS Chapter 149 and with 401 KAR 63:005;

6. The materials that may be burned are limited to natural brush, natural vegetation, clean wood and charcoal; and

7. At no time shall any synthetic materials, pressure-treated wood, or oil based or coated materials be burned within the City.

Section 3. Open Burning in Residential Areas.

1. No permit shall be required for open burning in a residential area if:

- A. The burning occurs entirely within a fire pit, fire place, or chimenea that is 4 feet or less in diameter and 4 feet or less in height;
- B. The fire container is commercially built or constructed of brick, concrete, stone or metal;
- C. The burning occurs at least 10 feet from any structure, 15 feet from any property line, and 20 feet from any overhead obstruction; and
- D. The burning is attended at all times by a responsible adult.

Section 4. Construction Site Warming Fires.

1. No permit shall be required for warming fires at construction sites if:

- A. The fire is kept in a container not exceeding 55 gallons in size;
- B. The burned material is clean, unpainted, uncoated and untreated wood or vegetation;
- C. The air temperature is below 50 degrees Fahrenheit; and
- D. Smoke and embers from the fire do not negatively impact neighboring residents.

Section 5. Commercial or Site-Clearing Burning.

1. No commercial or site-clearing burning shall occur without first obtaining a permit from the City Fire Chief, or his designee, and the cost for a commercial or site-clearing burn permit shall be \$ 400.00.

2. The burn site must be attended by a responsible adult at all times.

3. Commercial blowers or air curtains may be required at the direction of the Fire Chief, or his designee, in addition to such other conditions as may be required.

Section 6. Penalties for Violation.

1. Any person who violates this ordinance or the terms of his burn permit in a residential area shall be subject to a civil fine of \$ 200.00 per occurrence.

2. Any person who violates this ordinance or the terms of his burn permit in a commercial area, a construction site, or a site-clearing burn shall be subject to a civil fine of \$ 500.00 per occurrence.

Section 7. This ordinance shall become effective after passage and publication as required by law.

Introduced and given first reading at a meeting of the City Council of the City of Versailles, Kentucky, held on the 16th day of August, 2022, and fully adopted after the second reading at a meeting of said council held on the 6th day of September, 2022.

CITY OF VERSAILLES

BRIAN TRAUGOTT, MAYOR

ATTEST:

ELIZABETH REYNOLDS, CITY CLERK