

Ordinance No. 910 Summary

On February 26, 2020, the City of Wellsville, Kansas, adopted Ordinance No. 910, amending City regulations to provide certain conditions and limitations for the burning of leaves within the city fire limits

A Complete copy of this ordinance may be obtained or viewed free of charge at the Office of the City Clerk at City Hall, 411 Main Street, Wellsville, Kansas or at www.wellsvilleks.citycode.net. This summary is certified by Patrick G. Reavey, Wellsville City Attorney pursuant to K.S.A. 12-3001, et seq.

ORDINANCE NO. 910

AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER VII OF THE CITY CODE TO ALLOW FOR THE BURNING OF LEAVES WITHIN THE CITY FIRE LIMITS

WHEREAS, the governing body believes it is appropriate to allow residents to burn leaves within the city fire limits if certain requirements are met and complied with.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the City of Wellsville, Kansas:

Section 1. The Governing Body hereby amends Article 2 of Chapter VII of the City Code to read as follows:

7-201. International fire code incorporated.

There is hereby adopted by the governing body of the city, for the purpose of prescribing regulations, governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the International Fire Code, edition of 2012, including all the Appendix chapters, published by the International Code Council, one copy shall be filed in the office of the clerk of the City of Wellsville, Kansas, and the same are hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this article shall take effect, the provisions thereof shall be controlling within the limits of the city.

(Code 2016)

7-202. Same; enforcement.

The code hereby adopted shall be enforced by cooperation between the Building Code Official of Wellsville, Kansas and the chief of the Wellsville Fire District.

(Code 2016)

7-203. Same; amendments.

(a) Wherever the word municipality is used in the code hereby adopted, it shall be held to mean the City of Wellsville.

(b) All sections of the Uniform Fire Code relating to fireworks are hereby deleted in their entirety.

(c) The term “chief” and “fire code official” shall in all instances mean the Building Code Official of Wellsville, Kansas, except in those instances where the International Fire Code addresses: (1) The responsibility for the prevention of fires, as otherwise mandated by another rule, regulation, or law; or (2) The suppression or extinguishment of dangerous or hazardous materials; or (3) The investigation of the cause, origin, and circumstances of fire and unauthorized releases of hazardous materials; in which instances the term shall mean Fire District Chief.

7-204. Fire limits defined.

There is hereby established a geographic area within the city that will be referred to in this Chapter as “fire limits”. The fire limits of the city are defined as that geographic area comprised of structures or land located on the city blocks that directly parallel and adjoin Main Street, starting at 4th Street and ending at the railroad tracks.

7-205. Burning within fire limits; Exception.

(a) It is unlawful for any person, firm or corporation to burn any trash, leaves, lumber, straw, paper, boxes, grass or other combustible materials openly within the fire limits of the city or within twenty-five feet of any building in the city, except when such fire is contained in a refuse burner or incinerator constructed of iron, steel, concrete, brick or stone in a substantial manner and the opening of the top of such burner or incinerator covered over and protected by a steel netting one inch mesh, or with steel plate with no larger than one-quarter-inch holes therein and only during the hours between sunrise and sunset. Nothing herein shall be construed as prohibiting the city from conducting open burning on the city lot located at 730 Main Street.

(b) Notwithstanding the foregoing, owners and/or occupants of land located within the fire limits may burn fallen leaves if the following are met and complied with:

- (i) The burning of leaves is confined to a defined ditch adjoining the property and located at least 25 feet away from any structure;
- (ii) The burning of leaves can only occur during the time period of September 30 until May 1, only between sunrise and sunset, and all fires must be extinguished one hour before sunset;
- (iii) A burn permit (with conditions and requirements deemed appropriate by the City and/or the Wellsville Fire District) is issued by the City Clerk for the day of burning requested by the applicant; and
- (iv) The applicant receiving the permit checks the Franklin County Burn Line on the day they intend to burn to ensure burning is allowed.

7-206. Burning outside fire limits.

In that portion of the city outside the fire limits, it shall be unlawful to burn trash or garbage unless such fire is contained in a refuse burner or incinerator constructed of iron, steel, concrete, brick or stone in a substantial manner and the opening of the top of such burner or incinerator covered over and protected by a steel netting one inch mesh, or with steel plate with no larger than one-quarter-inch holes therein and only during the hours sunrise and sunset. It shall be lawful to burn leaves, straw, grass, or limbs under four inches in diameter on private property in a careful manner at least 25 feet away from any structure (including a wooden fence) so as not to endanger property and then only between sunrise and sunset, and only after the owner or tenant/occupant of the property on which the burning is to occur has obtained a burning permit from the city. Permits must be applied for through the city clerk at least 48 hours in advance of the proposed burning. Applications will be reviewed by the Fire District or its designee and, if approved, will be valid for a period of 48 hours after issuance. The Fire District may place any conditions or limitations on the permit as it deems appropriate. Permits to burn leaves, straw, grass, or limbs less than four inches in diameter shall not be valid during periods when Franklin County and/or the City of Wellsville have issued burn bans for any purpose, including but not limited to, dry or windy weather conditions.

(Ord. 840; Code 2016)

7-207. Same; storage of hay and straw.

It is unlawful for any person to stack or pile or cause to be stacked or piled any hay, straw, fodder or other combustible material on any lot, street or alley within the fire limits, or within fifty feet of any residence outside of the fire limits. This section shall not apply to any hay, straw, fodder or other combustible material that shall be safely and properly stored according to the Fire District.

(Ord. 840; Code 2016)

7-208. Same; violation; penalty.

Any person, firm or corporation convicted of violating any of the provisions of this article is deemed guilty of a misdemeanor and shall be fined not more than \$500. Each day that a violation exists shall constitute a separate violation. The city shall have the right to abate any violation of this article and to assess the costs of doing the same to the property that is the subject of the violation, all in accordance with Kansas statutes.

(Ord. 840; Code 2016)

7-209. Accumulation of rubbish and trash.

It shall be unlawful for any person to allow to accumulate or to keep in any part of any building or outside of and adjacent to any building or in any alley, sidewalk, street or premises within 30 feet of any building any rubbish, trash, waste paper, excelsior, empty boxes, barrels or other combustibles which shall constitute a fire hazard.

(Code 2016)

7-210. Keeping of packing materials.

It shall be unlawful to keep excelsior or other packing material in any other than metal or wood metal line boxes or bins having self-closing or automatic covers. All refuse and trash from rooms where packing or unpacking is done shall be removed daily.

(Code 2016)

7-211. Storage of ashes.

It shall be unlawful to store ashes inside of any non-fireproof building unless they are stored in a noncombustible container or receptacle, and a clearance of at least five feet shall be maintained between such container or receptacle and any combustible materials not placed therein. Ashes shall not be stored outside of any building in wooden, plastic, or paper product receptacles or dumped in contact with or in close proximity to any combustible materials.

(Code 2016)

7-212. Filling gasoline tanks of motor vehicles.

The engines of motor vehicles shall be stopped when the gasoline tanks of such vehicles are being filled with gasoline at service stations or other places where gasoline is supplied to motor vehicles. The driver or person in control of such vehicle when the gasoline tank of same is being filled who refuses, neglects or fails to stop the engine of such vehicle shall likewise be guilty of a violation of this code.

(Code 2016)

7-213. Fire hazards generally.

It is unlawful for any person to cause or create anywhere within the city, or to permit on any premises under his or her control, any situation or condition that is conducive to or likely to cause or permit the outbreak of fire or the spreading of fire. Any situation or condition conducive to the outbreak of or spreading of fire is declared to be a fire hazard. The violation of or failure to comply with any law pertaining to the storage, handling or use of inflammable oils, explosives, liquefied petroleum gases, or fertilizers and all wires and other conductors charged with electricity, is declared to be a fire hazard. The placing of stools, chairs or any other obstruction in the aisles, hallways, doorway, or exit of any theater, public hall, auditorium, church or other place of indoor public assemblage, or the failure to provide any such place of public assemblage with sufficient, accessible and unobstructed fire exits and escapes is also declared to be a fire hazard. The obstruction of any street, avenue, alley, fire hydrant or any other condition that might delay the fire department in fighting fire is declared to be unlawful.

(Code 2016)

7-214. Same; inspections to discover.

It shall be the duty of the fire district chief to inspect or cause to be inspected by fire district officers or members, as often as may be necessary all buildings, particularly all mercantile buildings, manufacturing plants, warehouses, garages, hotels, boarding houses, rooming houses, theaters, auditoriums and all places of public assemblage, for the purpose of discovering the violation of any fire preventive law or any fire hazard and ascertaining and causing to be corrected any conditions liable to cause fires and to see that all places of public assemblage, hotels and rooming houses have sufficient and unobstructed facilities for escape therefrom in case of fire.

(Code 2016)

7-215. Abatement of fire hazards; issuing order.

Whenever any officer or member of the fire district shall find or discover any fire hazard or shall find in any building or upon any premises combustible or explosive material or dangerous accumulation of rubbish or unnecessary accumulation of paper, boxes, shavings or any other inflammable material, so situated as to endanger property by the probability of fire, or shall find or discover any violation of this

chapter or any other law hazardous to public safety from fires, the district fire chief shall order the fire hazard or danger from the fire forthwith abated and remedied and such order shall be complied with immediately by the owner or occupant of such buildings or premises. If the hazard or condition ordered abated and remedied is a violation of, or a failure to comply with any law, the district fire chief shall report the matter to the city attorney and he or she shall, if he or she deems it advisable, prosecute the offender.

(Code 2016)

7-216. Same; service of order; records.

Any order made under section 7-212 shall be in writing and may be served personally upon the owner or occupant of the premises or by leaving it with any person in charge of the premises or if the premises are unoccupied and the owner is a nonresident of the city, then by mailing a copy to the owner's last known post-office address. One notice to either the occupant or owner shall be sufficient. The district fire chief shall keep a record of and copies of all such orders and notices and shall follow up such notices at the expiration of the time for compliance therewith and when complied with make proper entry, and if not complied with, file complaint with the municipal court against the property owner and/or occupant.

(Code 2016)

Section 2: Repealer. Any Ordinances or Code provisions inconsistent herewith are hereby repealed.

Section 3. Effective Date. This Ordinance shall take effect after its adoption by the City Council, approval by the Mayor and publication in the City's official newspaper.

ADOPTED BY THE GOVERNING BODY OF THE CITY OF WELLSVILLE, KANSAS AND APPROVED BY THE MAYOR ON THE 26th DAY OF FEBRUARY 2020.

(seal)

BILL LYTTLE, Mayor

ATTEST:

TAMMY JONES
City Clerk

APPROVED AS TO FORM:

PATRICK G. REAVEY
City Attorney