

BILL NO. 2020-37

ORDINANCE NO. _____

INTRODUCED BY _____

AN ORDINANCE TO ADD A NEW SECTION REGARDING OUTDOOR FIREPLACES AND FIRE PITS TO CHAPTER 203, *GENERAL REGULATIONS CONCERNING FIRE*, OF THE CODE OF ORDINANCES OF THE CITY OF HERMANN, MISSOURI.

WHEREAS, Some of Hermann’s citizens and visitors like to burn outdoor recreational fires; and

WHEREAS, Some of Hermann’s citizens and visitors may be adversely affected by outdoor burning; and

WHEREAS, Everyone should have consideration for neighbors and use common sense when kindling any outdoor fire; and

WHEREAS, the City has adopted the International Fire Code (“IFC”). The City desires to ratify all provisions of the IFC pertaining to outdoor fires and to enact additional regulations which are not contained in the IFC, as provided herein.

WHEREAS, the Board of Aldermen has determined that amending the Code to further regulate outdoor fires would serve a legitimate public purpose and is in the best interests of the citizens of the City of Hermann, Missouri.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF HERMANN, MISSOURI, AS FOLLOWS:

SECTION ONE: A new Section 203.005 shall be added to Chapter 203, General Regulations Concerning Fire, of the Code of Ordinances of the City of Hermann as follows:

Section 203.005 – Outdoor Fireplaces/Fire Pits.

A. Definitions.

1. *Permanent Outdoor Fireplace:* Any permanent outside structure built of stone or masonry with a chimney built according to International Code Council building codes for the purpose of burning seasoned firewood.
2. *Portable Outdoor Fireplace:* A manufactured, portable, outdoor fireplace or fire pit that is UL approved and is a product constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or it may be equipped with a

small hearth opening and a short flu or chimney opening in the top. Fire rings and similar containment devices or systems made from stones, rocks or other non-combustible materials for the purpose of burning seasonal firewood shall be considered Portable Outdoor Fireplaces for the purposes of this Section.

3. *Fire Pit:* A pit dug into the ground or a free-standing metal vessel in which a contained outdoor wood-burning fire is made.

B. General Regulations.

1. Fires in Permanent Outdoor Fireplaces, Portable Outdoor Fireplaces and in Fire Pits are prohibited when atmospheric conditions or local circumstances make such fires hazardous, as declared by the Mayor, local Fire Department, State Fire Marshall, Missouri Department of Natural Resources, or any other state or federal agency.
2. Only one fire shall be permitted on lots with an area less than 7,200 square feet. Lots with an area greater than 7,200 square feet may have no more than two fires burning at the same time. For purposes of this section, if a property owner owns two or more lots with contiguous boundaries, then the total area of the lots may be considered.
3. When any fire creates or adds to a hazardous situation or fails to be managed or maintained in accordance with these regulations, the Police Department is authorized to order the immediate extinguishing of the fire.
4. Portable Outdoor Fireplaces and Fire Pits shall only be placed on a noncombustible surface. Portable Outdoor Fireplaces shall not be placed on decks made of wood or composite materials.
5. The City has adopted all provisions of the International Fire Code with respect to outdoor burning which is incorporated herein by reference. In any instance where this ordinance and the IFC address the same topic, the provisions of this ordinance shall control.

- C. Barbeque Pits or Grills and Gas Fire Pits Permitted.** Nothing in this section shall prevent persons from using standard gas or charcoal barbecue pits or grills were manufactured UL approved outdoor gas fire pits.

SECTION TWO: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SECTION THREE: This Ordinance shall be in full force and effect from and after its final passage and approval.

SECTION FOUR: The publisher of the City of Hermann ordinances shall be permitted to re-designate the section or sub-section number of this revised code section to fit within an appropriate portion of the Hermann City Code, within the discretion of the publisher.

First Reading: _____

Second Reading: _____

VOTE:

Name	First Reading			Second Reading		
	Aye	Nay	Abs	Aye	Nay	Abs
Alderman David Faerber						
Alderman Rick Owsley						
Alderman Jim Schirmer						
Alderman Susan Lenger						

Passed and approved this ___ day of _____, 2020.

Bruce Cox, Mayor

PATRICIA HEANEY, City Clerk