

FIRES, OUTDOOR

Chapter 12

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(HISTORY: Adopted Hilton Village Board, 8-4-69. Amendments noted where applicable.)

12-1 Definition of outdoor fire

For the purpose of this ordinance, an "outdoor fire" shall mean any fire in the open air or outside the confines of a building for the purpose of:

- A.** The burning of woodland, grassland, swampland, leaves and other forest debris.
- B.** The burning as a means of disposal of any type of structure, marine and aircraft, vehicles, and the burning of debris from any of the foregoing.
- C.** The burning as a means of disposal of papers, rubbish and all types of combustibles.

12-2 Kindling of fires

- A.** No person shall kindle an outdoor fire except in an approved type of incinerator without permission from the Fire Chief or his designee, which permission may be denied if in his opinion conditions are unsafe for burning.
- B.** No outdoor fire shall be kindled between sunset and sunrise.
- C.** No outdoor fire shall be left unattended at any time except in an approved type of incinerator.
- D.** Outdoor fires must be extinguished before sunset.
- E.** Outdoor burning of garbage is prohibited.

12-3 Incinerators

- A.** An "approved incinerator" shall mean any metal drum of adequate capacity, any masonry incinerator or any steel or cast-iron receptacle with solid or perforated sides, front and back, used to burn papers, rubbish and combustibles, with sufficient perforated to provide adequate ventilation to insure proper combustion.

12-3 Incinerators (continued)

- B.** Every approved incinerator must be equipped with a spark arrester or cover which shall be sufficient to prevent the escape of sparks and embers. Spark arresters may be of perforated sheet metal or wire mesh (screen), but said openings shall not exceed one-fourth (1/4) inch square. The spark arrester must cover the entire opening of the incinerator.
- C.** Draft doors or openings designed to create a draft or stimulate combustion must be protected with a one-fourth-square-inch wire mesh screen.
- D.** Incinerators for the use of occupants of apartment houses, multiple-family dwellings, commercial and industrial establishments must be approved by the Fire Chief.

12-4 Location and care of incinerators

- A.** No approved incinerator shall be located within twenty (20) feet of any building, property line or any combustible. No incinerator may be located on a street pavement or within the curb area.
- B.** All incinerators must be emptied periodically to prevent choking and poor combustion.
- C.** Whenever an incinerator is so located or in such condition as to cause it to be a menace to life, health or property, in the opinion of the Fire Chief, said Fire Chief shall serve written notice upon the owner and/or user of such incinerator to relocate, clean or replace said incinerator within five (5) days of the date of such notice. Failure on the part of such owner and/or user to comply with said notice shall be grounds upon which said Fire Chief may order the discontinuance of the use of said incinerator.

12-5 Cooking fires

This ordinance does not apply to fires for cooking purposes.

12-6 Violations and penalties

Any person or persons, firm or firms, who violate any provision of this ordinance as enacted, or who shall fail to comply with any notice or order by the Fire Chief of the Village of Hilton Fire Department, may be subject to arrest and prosecution by the proper authorities and may be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for each violation.

12-7 Nonliability of town and officers

- A.** The Village of Hilton, the Hilton Fire Department and the officers, agents and employees of each shall not be held responsible for any damage which may be caused by an incinerator which has been approved, either as to construction or location, by the Fire Chief.
- B.** The Village of Hilton, the Hilton Fire Department and the officers, agents and employees of each shall not be held responsible for any damage by any outdoor fire for which permission has been granted.

12-8 Validity

If any sentence, clause, section or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance.

12-9 When effective

This ordinance shall become effective twenty-one (21) days after publication in accordance with provisions of the Village Law of the Village of Hilton.