

**CITY OF FORT MITCHELL  
KENTON COUNTY, KENTUCKY  
ORDINANCE 2022-08**

**AN ORDINANCE AMENDING CERTAIN SECTIONS OF CHAPTER 91 OF THE FORT MITCHELL CODE OF ORDINANCES RELATING TO FIRE PREVENTION OPEN BURNING**

**WHEREAS**, the Fort Mitchell City Council has heretofore adopted an official ordinance related to Fire Prevention and Open Burning within the city via Ordinance 1989-15, Ordinance 1957-2 and Ordinance 2018-04;

**WHEREAS**, the referenced ordinance has been reviewed to reflect current changes in National Fire Protection codes and to reflect needed local changes

**NOW, THEREFORE BE IT ORDAINED BY THE CITY OF FORT MITCHELL, COUNTY OF KENTON, COMMONWEALTH OF KENTUCKY, AS FOLLOWS:**

**SECTION 1**

The following sections of Chapter 91 of the Fort Mitchell Code of Ordinances are amended to read as follows:

**§ 91.07 SALE TO AND UNSUPERVISED USE OF FIREWORKS BY MINORS PROHIBITED.**

(A) For the purpose of this section, “minor” shall be defined as any person under the age of 18 years or, as may be otherwise phrased, any person of the age of 17 years or under.

(B) No person shall sell any fireworks as defined in KRS 227.700, consumer fireworks as defined in KRS 227.702 or novelties and trick noisemakers as defined in KRS 227.704 to a minor within the city.

(C) It shall be unlawful for any minor to use fireworks as defined in KRS 227.700, consumer fireworks as defined in KRS 227.702 or novelties and trick noisemakers as defined in KRS 227.704 without adult supervision.

(D) Outdoor fireworks displays must meet the Requirements of NFPA (National Fire Protection Association) 1123, Current Edition 2022, Code for Fireworks Display.

## ~~§ 91.24 SALE OF COLLODION OR ACETONE IN GLASS CONTAINERS.~~

~~No person shall sell or purchase collodion or acetone in glass containers containing more than six ounces of the liquid or without the glass containers being equipped with tight screw caps and clearly labeled as to contents, and with the word “inflammable” appearing on the face of the glass container in large plain letters.~~

## § 91.35 RESTRICTIONS FOR OPEN BURNING.

~~(A) Any outdoor fire is prohibited except, for that of candles, torches, grills, and approved properly positioned and maintained fire pits, with a fuel load of paper, firewood, charcoal, propane or natural gas and no more than three square feet in area. Open burning of trees and all forms of vegetation for the purpose of land clearing is prohibited. The burning of leaves and other all forms of trash is also prohibited. Burn permits from the Fort Mitchell Fire Department are not required for the approved type of fires defined in this chapter.~~

~~(B) An exemption may be issued for parcels of land which are a minimum of ten acres. The exemption shall be issued, in writing, by the Fire Chief.~~

(A) Open Burning Prohibited: No person, firm or corporation shall build any outdoor fire within the city limits for the purpose of open burning including land clearing. An exemption via burn permit may be issued for parcels of land which are a minimum of 10 acres. The exemption shall be issued, in writing, by the Fire Chief. Exemptions will not be allowed during the Kentucky Open Burning Ban period of May 1<sup>st</sup> to September 30<sup>th</sup> each year.

(B) Recreational Fires -Burn permit not required

(1) Location: No recreational fire shall be closer than 10 feet from any building, shed, garage, fence, or any other combustible materials. The location shall be no closer than 10 feet from any adjoining property line.

(2) Fire Pits:

a. Below ground Fire Pits – Any fire pit built below ground shall be a minimum depth of ten (10) inches and a maximum diameter of three (3) feet. The fire may not extent more than two (2) feet above the fire pit. The fire pit shall be surrounded on the outside, above ground, by non-combustible material such as, but not limited to, concrete block, bricks, or rocks. No burn barrels allowed.

b. Portable Fire Pits: Portable fire pits are defined as devices commercially designed to control outdoor wood fires and may be used in accordance with the manufacturer’s recommendations.

(3) Materials for Burning: Materials for recreational fires shall consist of clean dry/seasoned wood that is unpainted and untreated. Material shall not include rubbish, garbage, trash, leaves, brush or garden waste or any material coated with rubber, plastic, leather, or petroleum-based materials and may not contain any flammable or combustible liquids.

- (4) Attendance: All recreational fires must always be attended to by a responsible person until extinguished.
- (5) Complaint: Complaints received by the Fire or Police Departments regarding smoke, ash or noxious odors infringing on adjacent properties will require that such fires be immediately extinguished.

(C) The penalties for any violation of this section shall be as set forth in § 91.99. In addition to the foregoing penalties, any person who fails to maintain a fire in accordance with the applicable city ordinances or negligently allows such a fire to burn out of control shall pay any and all costs incurred by the city or any other municipality responding under mutual-aid for any fire, police, ambulance or other related service provided as a result of the party's failure to comply with said ordinance.

#### **§ 91.45 ENFORCEMENT POWERS OF FIRE FIGHTERS.**

All ~~members~~ officers of the Fire Department are hereby vested with necessary special police powers for the purpose of enforcing the provisions of this chapter.

#### **§ 91.46 ABATEMENT OF FIRE HAZARDS.**

All persons served with a written order to abate any fire hazard, shall comply with that order promptly and upon compliance, shall notify the Fire Chief or designee for reinspection.

### SECTION II

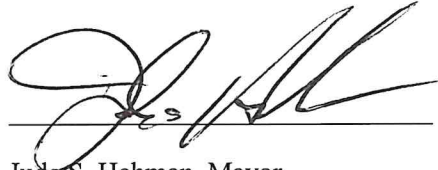
All Ordinances or parts of Ordinances in conflict herewith are, to the extent of such conflict, if any, hereby repealed.

### SECTION III

The Provisions of this Ordinance are severable and the invalidity of any provision of this Ordinance shall not affect the validity of any other provisions hereof, and such other provisions shall remain in full force and effect as long as they remain valid in the absence of that provision determined to be invalid.

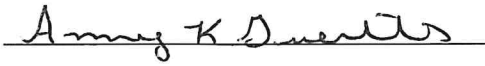
### SECTION IV

This Ordinance shall be in full force and effect from and after its passage and publication according to law and said publication may be in summary form.



Jude S. Hehman, Mayor

ATTEST:



Amy Guenther, City Clerk/Treasurer

FIRST READING: 4-11-2022

SECOND READING: 5-2-2022

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