

**CITY OF STANFORD, KENTUCKY**

**403 EAST MAIN STREET**

**STANFORD, KY 40484**

**Ordinance No. 310.5**

**AN ORDINANCE RELATING TO OPEN BURNING WITHIN THE CITY OF STANFORD, KENTUCKY**

**ORDINANCE NUMBER 310.05**

**AN ORDINANCE RELATING TO OPEN BURNING WITHIN THE CITY OF STANFORD, KENTUCKY**

**WHEREAS**, fires within the City Limits of Stanford, Kentucky can present health and safety issues to the residents of the City; and

**WHEREAS**, it is the intent of the Stanford City Council to properly regulate burning within the City of Stanford, Kentucky; now,

**THEREFORE, BE IT HEREBY ORDAINED BY THE CITY OF STANFORD, KENTUCKY, AS FOLLOWS:**

**SECTION I. OPEN BURNING WITHIN CITY LIMITS (RESIDENTIAL).**

(a) Any material that will be ignited must meet the requirements for open burning found in 401 KAR 63.005.

(b) No open burning will be allowed unless it is a Class 1 or Class 2 fday as designated by the Kentucky Division of Forestry. Information on the classification may be obtained from the Stanford Fire Department or the Lincoln County Central Communications Center.

(c) These provisions shall not apply to burning being done for the purposes of cooking food for human consumption, recreational or ceremonial purposes, or as a "keep warm" fire used on construction sites during cold-weather months, so long as the fire is located within a container suitable for that purpose and under conditions supervision. If a large quantity of debris is needed to be burned or burning for the clearing of vegetation from larger plots of land for such reason or reasons as development or expansion purposes, see Section II.

(d) No person shall start or have any open fire without first obtaining a permit from the fire department. The permit shall state, at a minimum, the address where such fire is started, the owner of the premises involved, the person starting the fire and the person responsible for attending such fire. This permit may be suspended or cancelled at any time by the fire department when deemed necessary to protect life, property or air quality. There shall be no charge for such permit.

(e) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city unless it is a Class 1 or Class 2 fire day as designated by the Kentucky Division of Forestry. Information on the classification may be obtained from the Stanford Fire Department or from the Lincoln County Central Communications Center.

(f) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city, which contains materials other than naturally occurring vegetation or untreated wood products. The use of flammable liquids or other materials that produce dense smoke to ignite such fires shall be strictly prohibited. Any material being ignited shall meet all requirements of 401 KAR 63.005.

(g) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city not wholly contained within an incinerator,

outside fireplace, grill or other receptacle suitable to the purposes of the burning of combustibles and approved by the fire department.

(h) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city whenever there may be danger of such fire spreading beyond the control of the person so starting, or having such open fire so as to injure, damage or endanger the life, limb, or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.

(i) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city larger than four (4) feet in diameter by three (3) feet high except as outlined in Section II.

(j) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city within twenty-five (25) feet in all directions of any structure, fence or property line.

(k) No person who shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city shall leave such open fire without being attended by a competent adult person until the fire is extinguished. An approved fire extinguisher or other means of controlling and/or extinguishing the fire such as a garden hose shall be present at the site until the fire is completely extinguished. A telephone or other means for contacting the fire department shall be readily available in the event of emergency.

(l) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city prior to 8:00 a.m., or later than 8:00 p.m.

(m) **Penalty.** Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court; provided, however, that the court may, in its discretion, suspend any sentence imposed under this section and grant probation to any person convicted of a violation thereof and the court may further, in its discretion, condition such probation and/or suspension of sentence upon reimbursement to the city of any cost and expense suffered or incurred by the city in extinguishing or attempting to extinguish any fire started or had in violation of this section.

## **SECTION II. OPEN BURNING WITHIN CITY LIMITS (LAND-CLEARING).**

(a) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city for the purpose of clearing land without first obtaining a permit from the fire department. Such permit shall only be issued after a site inspection is conducted by a fire department representative and criteria described within this section are met. The permit shall state, at a minimum, the address where such fire is started, the owner of the premises involved, the person starting the fire and the person responsible for attending such fire. This permit may

be suspended or cancelled at any time by the fire department when deemed necessary to protect life, property or air quality. There shall be no charge for such permit.

(b) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city unless it is a Class 1 or Class 2 fire day as designated by the Kentucky Division of Forestry. Information on the classification may be obtained from the Stanford Fire Department or from the Lincoln County Central Communications Center.

(c) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city, which contains materials other than naturally occurring vegetation or untreated wood products. The use of flammable liquids or other materials that produce dense smoke to ignite such fires shall be strictly prohibited. Any material being ignited shall meet all requirements of 401 KAR 63.005.

(d) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city for the purpose of clearing land that is not wholly contained within an open pit or trench that is free and clear of any vegetation within twenty-five (25) feet on all sides of the material to be burned and excavated down to mineral soil.

(e) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city whenever there may be danger of such fire spreading beyond the control of the person so starting , or having such open fire so as to injure, damage or endanger the life, limb, or property of another. At no time shall particulate matter from the burn be deposited upon the property of others.

(f) No person who shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city for the purpose of clearing land shall leave such open fire without being attended by a competent adult person until the fire is extinguished. Equipment capable of controlling the spread of such fire from its original burn area shall be present at the site along with an operator capable of operating such equipment should the need arise. When available, a "trench blower" is highly recommended to aid the combustion process. Though not required at all burn sites, the fire department may require the use of such equipment as a condition for obtaining a permit.

(g) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city prior to 8:00 a.m., or later than 8:00 p.m.

(h) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city for the purpose of clearing land which exceeds twenty-five (25) feet in diameter by ten (10) feet high, or ten (10) feet wide by five (5) feet deep by twenty (20) feet in length. Only one (1) pile shall be allowed to be burned at a time and shall consist only of material from the site as described on the permit. Hauling materials from other locations for the purpose of burning is strictly prohibited.

(i) No person shall start or have any open fires upon any woodlands, lots, subdivision, grasslands, field or public right-of-way within the city within fifty (50) yards of any structure, fence or property line, roadway, brush lands or woodlands.

(j) Penalty. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court; provided, however, that the court may, in its discretion, suspend any sentence imposed under this section and grant probation to any person convicted of a violation thereof and the court may further, in its discretion, condition such probation and/or suspension of sentence upon reimbursement to the city of any cost and expense suffered or incurred by the city in extinguishing or attempting to extinguish any fire started or had in violation of this section.

(k) This Ordinance replaces any prior Ordinance regarding the subject of burning, any prior such Ordinance being repealed upon the enactment of this Ordinance.

**FIRST READING OF SAID ORDINANCE, MAY 12, 2022;**

**SECOND READING OF SAID ORDINANCE, AND PASSAGE, JUNE 9, 2022 AND SHALL BE ENACTED UPON PUBLICATION IN THE INTERIOR JOURNAL ON JUNE 16, 2022.**



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**Dalton Miller, MAYOR  
CITY OF STANFORD, KENTUCKY**

**ATTEST:**



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**Jone Allen, CKMC  
CITY OF STANFORD, KENTUCKY**

**SUMMARY ORDINANCE 310.05**

**AN ORDINANCE RELATING TO OPEN BURNING WITHIN THE CITY OF STANFORD**

Comes John Hackley, City Attorney for the City of Stanford, and hereby submits the following summary for reading and for publication of Ordinance 310.05, Open Burning Ordinance.

The Ordinance governs open fires upon any woodlands, lots, subdivision, grasslands, field , or public right-of-way within the city, establishing that no open fires may be allowed unless it is a Class 1 or Class 2 fire day as designated by the Division of Forestry.

On such days that are Class 1 or Class 2 fire days as designated by the Division of Forestry, the Ordinance divides definitions and prohibitions broadly into those in "Residential" areas, and those in "Land-Clearing" areas, such as development and small woodland areas.

The Ordinance specifies what materials may be burned, the hours during which legal open fires may be started, maintenance, observations and safety requirements imposed upon those starting a legal fire, including the equipment or machinery that must be present for prevention of runaway fires. It further establishes appropriate setback requirements for fires relating to structures, fences, property lines, roadways, brush lands or woodlands.

The Ordinance further imposes criminal sanctions for violation of its provisions, as follows:

(j) Penalty. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment in the county jail not exceeding ninety (90) days, or both such fine and imprisonment in the discretion of the court; provided, however, that the court may, in its discretion, suspend any sentence imposed under this section and grant probation to any person convicted of a violation thereof and the court may further, in its discretion, condition such probation and/or suspension of sentence upon reimbursement to the city of any cost and expense suffered or incurred by the city in extinguishing or attempting to extinguish any fire started or had in violation of this section.

FIRST READING: May 12, 2022

SECOND READING: June 9, 2022

SIGNED: Dalton Miller, Mayor ATTEST: Jone Allen, City Clerk