

ARTICLE III. OPEN BURNING*

***Editor's note:** Ord. No. 06-13, § 1, adopted May 16, 2006, amended article III in its entirety to read as herein set out. Former article III, §§ 8-30--8-41, pertained to similar subject matter, and was derived from Ord. No. 86-15, §§ 2--10, 12, adopted dJune 24, 1986, and Ord. No. 96-2, §§ 1--11, adopted Jan. 9, 1996.

Sec. 8-30. Declaration and intent.

The board finds and declares that the open burning of materials outdoors may result in or contribute to, air pollution and, may cause hazards to public safety. The board further finds that regulation of open burning will reduce air pollution significantly. It is the intent of the board to require that open burning be conducted in a manner, under conditions, and, within certain periods that will reduce or eliminate the deleterious and noisome effect of air pollution caused by open burning.

(Ord. No. 06-13, § 1, 5-16-2006)

Sec. 8-31. Definitions.

The following phrases or terms when used in this article shall, unless the content otherwise indicates, have the following meanings:

Extinguished means that no visible flame, coals, smoke, or emissions exist.

Open burning means any outdoor fire or open combustion of material which produces visible emissions or products of combustion.

Pile burning is any burning of silvicultural, agricultural, or land clearing and tree cutting debris originating on site. This type of burning is only allowed with authorization by Florida Division of Forestry.

Residential pile burning is any pile burning operation that is conducted by a landowner or an individual contracted by the landowner for an existing or planned residential dwelling of not more than two family units. This type of burning is only allowed with authorization by Florida Division of Forestry. This does not include the burning of yard waste defined in Sec. 8-35.

Sunset is the official time the sun will set as set forth by the U.S. Naval Observatory (tables are available at National Weather Services offices).

Trash means waste materials resulting from the construction, renovation or demolition of a structure and other debris such as paper, cardboard, packing material, pharmaceuticals, cloth, glass, street sweepings, vehicle tires and other like matter. Trash is not synonymous with yard waste.

Treated wood means wood coated or infused with paint, glue, filler, pentachlorophenol, creosote, tar, asphalt, chromated copper arsenate (CCA), or other wood preservatives or treatments.

Yard waste means vegetative matter resulting from landscaping and yard maintenance operations and other such routine property cleanup activities. It includes materials such as leaves, shrub trimmings, brush and palm fronds.

(Ord. No. 06-13, § 1, 5-16-2006)

Sec. 8-32. Areas embraced.

All territory within the legal boundaries of the unincorporated areas of the county shall be embraced by the provisions of this article.

(Ord. No. 06-13, § 1, 5-16-2006)

Sec. 8-33. Prohibitions.

(a) Any open burning not specifically allowed by this article or by F.S. Chs. 590, 823, 877, 51-2, 62-256 is prohibited. No person shall ignite, cause to be ignited, permit to be ignited, suffer, allow, burn, conduct or maintain any prohibited open burning. Marion County Fire-Rescue, State Division of Forestry or any authorized fire control agency empowered by law or ordinance to extinguish unlawful burning may extinguish, or cause to be extinguished, any fire that does not comply with this rule or is deemed unauthorized by Marion County Fire-Rescue. Any person responsible for unlawful open burning shall bear any applicable costs involved in extinguishing the fire consistent with the provisions of this article.

(b) No person shall use or operate any outdoor heating device or burn any unapproved fuel for cold or frost protection except as provided in this article. The open burning of tires, rubber material, Bunker C residual oil, asphalt, roofing material, tar, railroad cross-ties, other creosoted lumber, plastics, garbage, or trash other than yard trash and household paper products is prohibited except as provided in F.S. Chs. 590, 823, 877, 51-2, 62-256.

(c) Marion County Fire-Rescue is authorized to extinguish any open burning that reduces or potentially reduces visibility at a public airport.

(d) No open burning may be conducted if the department determines that weather conditions are unfavorable for safe burning.

(e) Open burning which reduces visibility on public roadways to less than one thousand (1,000) feet is prohibited unless the appropriate regulating authorities have given their permission to control traffic on the affected public roadway.

(f) Burning within areas designated by the department as smoke sensitive may be limited or prohibited by Marion County Fire-Rescue.

(Ord. No. 06-13, § 1, 5-16-2006)

Sec. 8-34. Limitations.

Nothing in this article may be construed to allow open burning which causes or constitutes a hazard to air traffic, which artificially reduces visibility on public roadways to less than one thousand (1,000) feet, or which violates other laws, rules, regulations, or ordinances.

(Ord. No. 06-13, § 1, 5-16-2006)

Sec. 8-35. Open burning allowed.

(a) Campfires, outdoor fireplace, recreational or ceremonial fire, warming and preparation of food fires, other outdoor heating or cooking devices.

(b) Open burning for flaring of waste gasses for reasons of safety.

(c) Open burning is allowed for instruction and training of firefighters or industry under supervision and/or approval of Marion County Fire-Rescue.

(d) Authorized permitted burns through state division of forestry. These fires are only allowed with daily authorization by the division of forestry (352) 955-2010: These types of fires are governed by F.S. Chs. 590, 823, 877, 403, 51-2, and 62-256. These fires include but are not limited to: Pile burning, land clearing, agriculture, etc.

(e) Open burning to reduce yard waste is allowed without Marion County Fire-Rescue approval providing that all of the following conditions are met:

- (1) The yard waste was generated on residential premises of not more than two (2) family units;
 - (2) The open burning is conducted on the premises where the material was generated;
 - (3) The fire is ignited after 9:00 a.m. eastern time and extinguished no later than one (1) hour before sunset provided however that no burning shall be conducted during windy conditions;
 - (4) The fire is enclosed in a noncombustible container or is restricted to a pile no greater than eight (8) feet in diameter built upon ground cleared of all combustible material;
 - (5) The fire is set back at least twenty-five (25) feet from any wildlands, brush or combustible structure, fifty (50) feet from any paved public roadway and one hundred fifty (150) feet from any building other than owned or leased by the individual doing the burning;
 - (6) The fire is attended and adequate fire extinguishing equipment is readily available at all times until fire is extinguished;
 - (7) The moisture content and composition of material being burned is favorable to good burning which will minimize smoke;
 - (8) The open burning does not produce smoke, soot, odors, heat, flame, radiation or other conditions as to create a nuisance. Marion County Fire-Rescue, shall have final say as to what constitutes a nuisance;
 - (9) Trash (as defined in section 8-31) or paper products may not be burned.
- (Ord. No. 06-13, § 1, 5-16-2006)

Sec. 8-36. Fees, fines and penalties.

Any person violating any of the provisions of this article shall be liable for all damages caused by such violation, which damages shall be recoverable in any court of competent jurisdiction. The civil liability shall obtain whether there be criminal prosecution and conviction or not. The board may by resolution establish fines for violation of any of the provisions of the article including, but not limited to warnings, fines to cover the cost of the response and noncriminal penalties, referrals to the Marion County Code Enforcement Board and referral of violations to the state attorney for possible criminal violations. All fines collected as a result of this article shall be applied to fire safety and public education programs. The liability for the costs of suppression shall extend to the person, firm or corporation causing, directing or permitting the activity as well as to the actual violator.

(Ord. No. 06-13, § 1, 5-16-2006)

Secs. 8-37--8-49. Reserved.