

AN ORDINANCE OF THE CITY OF OSAGE BEACH, MISSOURI, ESTABLISHING A NEW SECTION 505.140 OPEN BURNING, WHICH ENACTS POLICIES AND RESTRICTIONS ON THE OPEN BURNING OF TRASH, RUBBISH AND WASTE WITH IN THE CITY

WHEREAS, the Board of Aldermen hereby finds it in the public interest to regulate certain open burning and fires within the City as a matter of public safety; and,

WHEREAS, the Board of Aldermen conclude that such regulation of fires and open burning is necessary and proper exercise of the police power of local government:

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

Section 1. That a new Section 505.140 of the Osage Beach Code of Ordinances be and is hereby enacted as follows:

Sec. 505.140

- (a) The open burning of household trash rubbish waste or refuse, including garbage, is prohibited by this code without any exceptions.
- (b) No person shall cause or allow the burning of household trash rubbish waste or refuse, including garbage as defined in subsection (d) below, in any open chamber or barrel.
- (c) No person shall cause or allow the burning of any treated wood or lumber which is defined as any wood of lumber that has been chemically treated for any reason, including but not limited to resistance to moisture, fungi insects and pests or contains more than an insignificant amount of paint, varnish, or other coating.
- (d) Before any ignition or starting of any outdoor fire, any person conducting such open burning shall first check with the Osage Beach Fire Protection District if there is a burn ban in place. If the burn is one that requires a burn permit such person shall not commence the burn without having received a burn permit.
- (e) The following activities are not in violation of this article:
 - a. The setting of fires to combat or limit existing fires, when reasonably necessary in the judgment of the responsible government official.

b. Recreational and cooking fires or the burning of fuels for legitimate campfire, recreational and cooking purposes or in domestic fireplaces, in areas where such burning is consistent with other laws; provided that under no circumstances shall any garbage be burned.

c. Any burning conducted pursuant to an open burn permit from the Environmental Protection Agency (EPA) or Missouri Department of Natural Resources (DNR). Open burning conducted in accordance with a permit granted by the Department of Natural Resources of the state shall be done only in accordance with the terms and conditions of the permit.

d. A controlled burn of dead grass and vegetation less than 1 foot in height is permitted on a residential premise when attended by an adult with sufficient equipment to control or extinguish the fire.

(f) Violations of this section are punishable under the general penalty section of this code Section 100.190. Every day any violation of this section occurs shall constitute a separate offense.

Section 2. Severability

The chapters, sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment or degree of any Court of any competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs, or sections of this ordinance since the same would have been enacted by the Board of Aldermen without the incorporation in this ordinance of any such unconstitutional or invalid phrase, clause, sentence, paragraph or section.

Section 3. Repeal of Ordinances not to affect liabilities, etc.

Whenever any part of this ordinance shall be repealed or modified, either expressly or by implication, by a subsequent ordinance, that part of the ordinance thus repealed or modified shall continue in force until the subsequent ordinance repealing or modifying the ordinance shall go into effect unless therein otherwise expressly provided; but no suit, prosecution, proceeding, right, fine or penalty instituted, created, given, secured or accrued under this ordinance previous to its repeal shall not be affected, released or discharged but may be prosecuted, enjoined and recovered as fully as if this ordinance or provisions had continued in force, unless it shall be therein otherwise expressly provided.

Section 4. That this Ordinance shall be in full force and effect from and after the date of passage and approval of the Mayor.

READ FIRST TIME: August 2, 2018

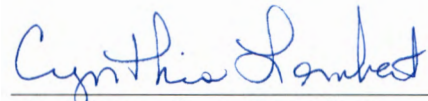
READ SECOND TIME: August 16, 2018

I hereby certify that Ordinance No.18.42. was duly passed on August 16, 2018 by the Board of Aldermen of the City of Osage Beach. The votes thereon were as follows:

Ayes:	6	Nays:	0
Abstentions:	0	Absent:	0

This Ordinance is hereby transmitted to the Mayor for his signature.


August 17, 2018
Date


Cynthia Lambert, City Clerk

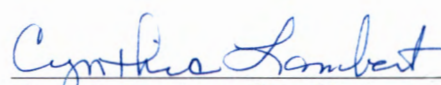
Approved as to form:


Edward B. Rucker, City Attorney

I hereby approve Ordinance No.18.42.


John Olivarri, Mayor

8-17-18
Date


Cynthia Lambert, City Clerk