

(First published in the Emporia Gazette \_\_\_\_\_, 2025)

ORDINANCE NO. 629

AN ORDINANCE AMENDING SECTION 7-204 OPEN BURNING AS PER CODE OF THE CITY OF AMERICUS, KANSAS CHAPTER VII; ARTICLE 2.

BE IT ORDAINED by the governing body of the city of Americus, Lyon County, Kansas:

SECTION 1. CHAPTER VII; ARTICLE 2, SECTION 7-204 IS AMENDED BY ADDING THE FOLLOWING:

To incorporate the Burn Policy as adopted by City Council on November 14<sup>th</sup>, 2023 and amended September 9<sup>th</sup>, 2025.

# Burn Policy

**As per city code Chapter VII. Fire, Article 2, Section 7-204**

## OPEN BURNING

Open burning is defined as the burning of any materials wherein air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney.

**Open Burning is prohibited within 12 hours of the start or commencement of a Red Flag Warning issued by the National Weather Service.**

**Open burning is restricted to:**

- (a) The hours of sunrise but must be extinguished before sunset.
- (b) Naturally occurring yard waste only: leaves, tree trimmings no larger than one person can handle.
- (c) Burning off yard grass, ditches, other natural vegetation in close proximity to combustible structures is permitted with appropriate supervision and water supply.
- (d) Bona fide controlled burnings conducted by the Americus Fire Department, Americus, Lyon County, Kansas, or its successor in interest, pursuant to a training program that is designed to ensure that firefighters are trained and capable of meeting emergencies.
- (e) Must be supervised at all times and have a water source present to extinguish the burn immediately if conditions change.
- (f) Must be Reported in the Lyon County online Burn website

[www.lyoncounty911.org/burn](http://www.lyoncounty911.org/burn)

Questions—[www.lyoncounty911.org/burn-faq](http://www.lyoncounty911.org/burn-faq)

**Open burning shall not be:**

- (1) Within a commercial zone as designed by the zoning ordinance of the city.
- (2) Within 50 feet of any structure except in approved burner built of brick, cement, stone, or metal located not less than 15 feet from any structure and constructed in a manner to securely confine burning material and with all openings protected with steel netting of  $\frac{1}{2}$  inch mesh or with steel plate with no larger than  $\frac{1}{2}$  inch holes therein.
- (3) Upon any street or alley open to vehicular traffic or upon any sidewalk of the city.
- (4) Burning of trash, household furnishings, construction/demolition waste, landscaping or treated lumber.

Recreational fires shall not be conducted within 25 feet of a structure of combustible material unless contained in a barbecue device. (Ord. 431, Sec. 3)

Barbecue device is defined as any appropriate manufactured device that is designed to contain an open flame.

Adopted November 14th, 2023

Amended September 9<sup>th</sup>, 2025

**7-214 ENFORCEMENT AND PENALTIES**

- (a) Violation of any provision of §§ 7-204 or 7-205 shall be a Class C offense as defined by Ch. XI, punishable upon conviction of a fine limited to an amount not exceeding \$500 for each offense, plus assessment of all costs incurred by public agencies, fighting fires and/or responding to other emergencies directly resulting from the violations.
- (b) Each day any violation of this §§ 7-204 or 7-205 continues shall constitute a separate offense.  
(Ord. 563, passed 5-14-2013)

Effective Date- September 19th, 2025

**SECTION 2. EFFECTIVE DATE.**

This ordinance shall take effect and be in force from and after its publication in The Emporia Gazette.

PASSED AND APPROVED BY COUNCIL THIS 9<sup>TH</sup> DAY OF SEPTEMBER 2025 and approved and signed by the Mayor.

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Dustin R. Wright, Mayor

ATTEST:

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Dodie Doudna, City Clerk