

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 14th, 2023 and amended September 9th, 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

Questions—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 ½ inch mesh or with steel plate with no larger than ½ 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 barbeque device. (Ord. 431, Sec. 3)

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

Adopted November 14th, 2023

Amended September 9th, 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 9TH DAY OF SEPTEMBER 2025 and approved and signed by the Mayor.

Dustin R. Wright, Mayor

ATTEST:

Dodie Doudna, City Clerk