

City of Perry  
678.03 OPENING BURNING.

(a) General Rules for Burning.

(1) No open burning is allowed within the City of Perry with the exception of recreational burning as defined in paragraph (a)(2) hereof.

(2) Recreational burning. Recreational burning shall be defined as any fire of logs, brush, charcoal or similar materials around a residence or property, which are burned for the purpose of food preparation or recreation, or where the materials to be burned are to be placed at ground level within a containment pit constructed of masonry or steel no larger than three feet in diameter or covering an area not larger than ten square feet. Recreational burning shall also follow the guidelines listed below.

A. There shall be no burning within fifteen feet of any existing structure or five feet from any property line.

B. There shall be no burning on any paved or concrete portion of any public street or sidewalk.

C. There shall be no burning of any combustible material that creates the emission of smoke or odor in such quantities as to render occupancy of surrounding properties uncomfortable to a person of ordinary sensibilities.

D. There shall be no burning of any combustible material that may release a toxic emission when burned, including, but not limited to, tires, oil, paint, construction lumber/materials, trash, rubbish.

E. There shall be no burning unless it is under the charge or supervision of a person of mature years and discretion.

F. There shall be no burning at any time when the wind or weather conditions may create a nuisance or danger to the property of any person in the vicinity thereof.

G. The preparation of food in or on any commercially manufactured grill shall be exempt from all regulations set forth in this section. However, it is recommended that such containers be placed at a minimum distance of three feet from any said structure.

(b) Civil Liability for Cost and Damage.

(1) Any person who sets an open fire which necessitates calling the Local Fire Department or any other fire department shall pay to the Local Fire Department all costs and charges incurred by the Local Fire Department by reason of calling the Local Fire Department or any other fire department.

(2) The City or Local Fire Department may sue in any court of competent jurisdiction for civil damages and may recover such costs and expenses incurred by it from any person who sets such an open fire.

(3) Payment of costs to the Fire Department shall in no way relieve such person from liability for any damage caused by such fire.

(4) Compliance with the guidelines contained in paragraph (a) above will not relieve any person from liability contained within paragraph (b) herein. It is the responsibility of the person who sets the fire and the property owner to ensure proper fire safety and containment.

(c) Enforcement. The authority for enforcement of this section shall fall under the direction of the Local Fire Department and City Police Department.

(Ord. 367. Passed 11-3-22.)