

ORDINANCE NO. 21-769

AN ORDINANCE TO AMEND CHAPTER 97: FIRE REGULATIONS OF THE MUNICIPAL CODE OF THE CITY OF FRIEND, NEBRASKA TO REGULATE OUTDOOR FIREPLACES, TO REPEAL ALL ORDINANCES IN CONFLICT HEREWITH, TO PROVIDE FOR THE POSTING OR PUBLICATION OF THIS ORDINANCE IN PAMPHLET FORM; AND TO PROVIDE FOR A TIME WHEN THIS ORDINANCE SHALL TAKE EFFECT.

Section 1. Chapter 97 of the Municipal Code of the City of Friend, Nebraska is amended as follows:

§ 97.024 DEFINITIONS

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHIMINEA. An outdoor patio fireplace, usually made from clay, intended to confine and control outdoor wood fires.

FIRE PIT. An above-ground or below-ground vessel usually constructed of steel, concrete, brick and/or stones with a heavy steel screen cover in which a contained fire is made.

FIRE RING. A device used to contain recreational fires and prevent them from spreading. Commonly constructed using a metal tube partially buried in the ground, poured concrete, stones, or other type of material used for an enclosure.

OUTDOOR FIREPLACE. An area that uses wood as a fuel and is used for contained recreational fires for the purpose of outdoor cooking and personal enjoyment. Includes fire pits, portable fire pits, chimineas, and fire rings. Does not include barbeque grills that use propane or charcoal as a fuel and are primarily for outdoor cooking.

PORTABLE FIRE PIT. A freestanding vessel usually constructed of steel, concrete, brick and/or stones and constructed above ground with a heavy steel screen cover intended to confine and control outdoor wood fires.

FIRE PREVENTION

§ 97.029 OUTDOOR FIREPLACE REGULATION.

(A) All outdoor fireplaces shall meet the following requirements:

(1) A minimum ten-foot clearance shall be maintained between the outdoor fireplace and combustible walls, roofs, fences, and other combustible material. A minimum ten-foot clearance shall also be maintained between the outdoor fireplace and combustible balconies or

decks unless the outdoor fireplace is placed on a stable, non-combustible surface such as a concrete pad.

(2) Outdoor fireplaces shall be constructed of concrete or approved non-combustible materials. The fire fuel area and openings shall be completely enclosed by steel screening or an approved non-combustible screening material with openings in screening to be not larger than one-half-inch square. Vent stacks and chimneys shall have a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one-half-inch square or as approved by the building inspector. Fire fuel areas for fire pits shall be covered with a steel screen cover made of heavy wire mesh or other non-combustible material with openings not larger than one-half-inch square. Not permitted are barrels, half-barrels, drums or similarly constructed devices.

(3) The fuel area for a fire pit shall not be larger than three (3) feet in diameter and a height of more than two (2) feet.

(4) Outdoor fireplaces shall be placed on a stable non-combustible surface such as a concrete pad. Outdoor fireplaces shall not be located on combustible balconies or decks (unless they are located on a stable, non-combustible surface such as a concrete pad), or on any balcony above the first floor. Outdoor fireplaces shall not be located under any combustible balcony or any overhanging part of a structure.

(5) Outdoor fireplaces shall only burn untreated wood. Petroleum products, rubbish, grass, leaves, cardboard, plastics, rubber or any material that may flow out of the containment or cause excessive heat, smoke, or offensive smell shall not be permitted.

(6) The amount of material being burnt shall be limited to ensure the flames are confined inside the fuel area of the outdoor fireplace and the flames do not extend into the chimney or above the pit. The manufacturer's recommendation on the maximum amount of fuel to be used at one time shall be followed.

(7) Outdoor fireplaces shall be under constant supervision by at least one (1) responsible person of age eighteen (18) or older from the ignition of the fire until the fire is completely extinguished, and embers are cool and the fire will not rekindle.

(8) A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available for use.

(9) Outdoor fireplaces shall not be operated when winds are blowing over twenty (20) mph and wind direction will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials. Outdoor fireplaces shall not be operated when weather conditions are extremely dry.

(10) The owner is responsible to ensure proper maintenance and care is accomplished in accordance with manufacturer's instructions. The outdoor fireplace shall be checked regularly for the appearance of cracks and other physical deterioration or loose parts.

(11) Smoke from any outdoor fireplace shall not create a nuisance for neighboring property owners. The fire shall be extinguished immediately upon the complaint of the neighboring property owner of any smoke nuisance. The fire chief is authorized to require outdoor fireplace use to be immediately discontinued if the use of the outdoor fireplace is determined by the chief to constitute a hazardous condition to occupants of surrounding property.

(12) A site plan showing the location of the outdoor fireplace on the property and a detailed drawing of the construction of the outdoor fireplace, along with a permit fee of \$10.00, shall be submitted to the Municipal Clerk who will forward plans and drawings to the building inspector for review. Approved plans will serve as the permit. A permit will not be required for portable fire pits of chimineas provided they are commercially designed and have been approved by an independent testing laboratory. Outdoor fireplaces shall comply with the city zoning and building ordinances.

Section 2. All ordinances or parts of ordinances passed and approved prior to the passage of this ordinance and which are in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall be in full force and effect and after its passage, approval and either posting or publication in pamphlet form as provided by law.

Passed and approved this 2nd day of march, 2021.

CITY OF FRIEND, NEBRASKA



Attest:

Kimberly S. Gorn

CITY CLERK/TREASURER

By: Judith Kynoke

MAYOR