

BILL NO.: 4746

ORDINANCE NO.: _____

Introduced by: Council Present

AN ORDINANCE OF THE CITY OF BERKELEY ADOPTING THE ST. LOUIS COUNTY OPEN BURNING RESTRICTIONS ORDINANCE, ST. LOUIS COUNTY REVISED ORDINANCES (SLCRO) TITLE VI CHAPTER 612.345

Now, Therefore, Be it ordained by the City Council of the City of Berkeley, Missouri, as follows:

Section 1. The City of Berkeley hereby adopts the St. Louis County Open Burning Restrictions Ordinance, St. Louis County Revised Ordinances (SLCRO) Title VI Chapter 612.345 for the City of Berkeley and incorporates the same as if more fully set out herein, as attached.

Section 2. That all ordinances and parts of ordinances in conflict herewith are hereby repealed for purposes of this ordinance only, and only to the extent of the conflict.

Section 3. This Ordinance shall be in full force and effect from and after its passage.

1st Reading this _____ day of _____ 2019

2nd Reading this _____ day of _____ 2019

3rd Reading, PASSED and APPROVED, this _____ day of _____ 2019

Theodore Hoskins, Mayor

ATTEST:

Deanna L. Jones, City Clerk

Approved As To Form:
Donnell Smith, City Attorney

Final Roll Call:

Mayor Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Hoskins	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Mitchell	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Williams	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman-at-Large Greene	Aye ___	Nay ___	Absent ___	Abstain ___
Councilman Hindeleh	Aye ___	Nay ___	Absent ___	Abstain ___
Councilwoman Anthony	Aye ___	Nay ___	Absent ___	Abstain ___

Chapter 612.345 – Open Burning Restrictions

1. All open burning activities throughout St. Louis County ("County"), in unincorporated and incorporated portions of the County, are prohibited.
2. The following activities are permitted in St. Louis County when not prohibited by other laws, regulations, or ordinances. All other open burning not specifically exempted is prohibited unless approved by the Director.
 - a. Recreational Fires
 - i. Recreational fires shall be comprised of only untreated seasoned dry fire wood which is free of leaves, needles, yard waste, garbage, rubbish, treated wood, or tree trimmings; and
 - ii. Total cumulative base area of the fire(s) shall not exceed nine (9) square feet; and
 - iii. The recreational fire shall not cause smoke, ash, or particulate matter to remain visible in the air or upon surfaces beyond the property line where the fire is occurring.
 - b. Preparation of food, such as barbecuing:
 - i. Fires shall either be contained through recreational food preparation equipment, such as a grill, rotisserie, outdoor cooking stove, or other device constructed for the use in outdoor, noncommercial food preparation; or
 - ii. Total cumulative base area of the fire(s) shall not exceed nine (9) square feet; and
 - iii. The fire shall be comprised of only untreated seasoned dry fire wood or charcoal which is free of leaves, needles, yard waste, garbage, rubbish, treated wood, or tree trimmings; and
 - iv. The fire shall not cause smoke, ash, or particulate matter to remain visible in the air or upon surfaces beyond the property line where the fire is occurring.
 - c. Burning conducted for natural resource conservation purposes:
 - i. Fires shall meet the requirements for a prescribed natural resource burn either through the collaboration with and subsequent development of a natural resource conservation plan through the Missouri Department of Conservation for the land or burn material in question or approval of the project as a natural resource conservation burn deemed acceptable by the Air Pollution Control Program.
 - d. Burning of yard waste shall be allowed where:
 - i. the property size is equal to or greater than 3 acres, except where the property shares a boundary with the Meramec, Missouri, or Mississippi Rivers there shall be no minimum property size restriction; and

- ii. the burn shall occur from September 15 until April 14 of each year; and
 - iii. total cumulative base area of the fire(s) shall not exceed sixteen (16) square feet; and
 - iv. the yard waste is composed of only leaves, needles, brush, tree trimmings, and other similar material which does not include garbage, rubbish, construction waste, demolition waste, petroleum based materials, plastic, rubber, painted materials, coated materials, metal, liquid or solid fuels, or treated wood; and
 - v. the fire shall not cause smoke, ash, or particulate matter to remain visible in the air or upon surfaces beyond the property line where the fire is occurring.
- e. Fire Training Exercises:
- i. Fire training exercises in which structures or buildings are burned shall be allowed only with prior approval by the Air Pollution Control Program.
 - ii. Fire training activities which occur at designated fire training academy or school locations shall be allowed without prior approval from the Air Pollution Control Program.
- f. Commercial Land Clearing Operation
- i. Commercial land clearing operations shall be allowed as provided in the Missouri Air Conservation Commission Open Burning Requirements Rule except that prior approval must be obtained from the Air Pollution Control Program and an Air Curtain Incinerator shall be utilized in all areas at all times.

Chapter 612.030 – Definitions

5. *Open Burning* means the burning of any materials where air contaminants resulting from combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For purposes of this definition, a chamber shall be regarded as enclosed, when, during the time combustion takes place, only those apertures, ducts, stacks, flues, or chimneys, as are necessary to provide combustion air and to permit the escape of exhaust gases, are open.



October 24, 2019

City Manager/Code Enforcement
City of Berkeley
8425 Airport Rd
Berkeley, MO 63134

**Re: Newly Enacted St. Louis County Open Burning Restrictions Ordinance
St. Louis County Revised Ordinances (SLCRO) Title VI Chapter 612.345**

A new St. Louis County ordinance (enclosed) has been enacted which restricts open burning activities in both the incorporated and unincorporated areas of St. Louis County, effective October 25, 2019.

The new St. Louis County Open Burning Restrictions Ordinance is for the protection of public health and is enforced by the St. Louis County Department of Public Health (DPH) Division of Environmental Services, Air Pollution Control Program (APCP).

For the following reasons, the St. Louis County Department of Public Health Air Pollution Control Program has determined that it is practical and necessary to prohibit or restrict open burning of any waste material in St. Louis County:

- a. There is strong evidence to support that children and elderly residents are especially susceptible to negative respiratory responses including asthma due to smoke and odors from a single backyard/residential open burning event.
- b. Smoke and odors from open burning events do adversely impact the health and property of individuals in neighborhoods and communities within suburban and metropolitan areas containing small lot sizes (<0.25 acres) with distance between homes often being less than 10 feet apart.
- c. People with existing respiratory issues (e.g. asthma) have increased sensitivity to odors and particulate matter caused by smoke from a single backyard/residential open burning event.
- d. The allowance for open burning of waste material (including household and vegetative waste) in the State of MO Open Burning Rule 10 CSR 10-6.045 (effective March 2019) may cause nuisance or public health hazards in the densely populated metropolitan area of St. Louis County.

- e. The St. Louis County Department of Public Health Waste Management program does not include open burning as an acceptable method for disposing of waste.
- f. Open burning contributes to low level ozone, one of six criteria air pollutants regulated by the Federal Clean Air Act as having significant public health impact.

The St. Louis County Department of Public Health would like to thank the Metropolitan Fire Marshalls Association members and all who submitted comments and support for this ordinance.

Any open burning concerns can be reported using airpollution.dph@stlouisco.com or by calling the St. Louis County DPH APCP at 314-615-8924.

Any questions regarding the ordinance and open burning restrictions in St. Louis County can be directed to Jeremy Rogus at 314-615-0926 or jrogus@stlouisco.com.

Sincerely,



Kathrina Donegan
Environmental Manager

Enclosure

cc: Members, Metropolitan Fire Marshalls Association
City Managers/Code Enforcement, St. Louis County Municipalities