

Sec. 8-2. - Open burning and open-flame cooking devices.

- (a) *Definitions.* The following words, terms, and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:
- (1) *Bonfire:* An outdoor fire built in the open air used for ceremonial, recreational or celebratory purposes.
  - (2) *Open burning:* Any other burning of materials, except recreational fires as defined in subsection (a)(3) below, wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. "Open burning" does not include road flares, smudge pots and similar devices associated with safety or occupational uses and typically not considered as open flames, cooking or recreational fires. For the purpose of this definition, a "container" or "chamber" shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues and chimneys are open and these only as necessary to provide combustion air and permit the escape of exhaust gas.
  - (3) *Recreational fire:* An outdoor fire where the fuel being burned has a total fuel area of three (3) feet or less in diameter and two (2) feet or less in height which is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit, container, or chamber and is being burned for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
  - (4) *Story:* The distance between the floor and ceiling of a structure.
  - (5) *Municipal fire pit:* A concrete fire ring installed and maintained by the Town of Atlantic Beach. The number and location of municipal fire pits as well as the allowable dates and hours of operation will be determined by the town council and may be changed from time to time. No municipal fire pit may be located within fifty (50) feet of combustible materials.
- (b) *Prohibition.*
- (1) Bonfires and open burning, other than recreational fires as defined in subsection (a)(3) above, are prohibited.
  - (2) Recreation fires are prohibited on beaches, dunes, public areas, and within twenty-five (25) feet of a structure or any combustible material. Recreational fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel or garden hose shall be available for immediate utilization.
  - (3) Outdoor fireplaces, fire pits, charcoal-type grills and chimineas are prohibited on beaches, dunes, public areas, balconies, combustible decks or within twenty-five (25) feet of a structure or any combustible material. The prohibitions in this subsection (b)(3) do not apply to single-family or two-family dwellings or municipal fire pits.
  - (4) Any burning that is otherwise permitted by this ordinance may be prohibited if the fire chief or chief of police determines that such burning is offensive or objectionable because of smoke or odor emissions.
  - (5) Any burning that is otherwise permitted by this ordinance may be prohibited if the fire chief or chief of police determines that atmospheric conditions or local circumstances make such fires hazardous.
  - (6) The burning of construction and yard debris is prohibited.
  - (7) A person shall not take or utilize an open flame or lanterns (other than electric lanterns) in a structure, vessel, boat or other place where highly flammable, combustible or explosive material is utilized or stored. Lighting appliances shall be well secured in a glass globe and wire mesh cage or similar approved device.

- (8) No person shall throw or place, or cause to be thrown or placed, a lighted match, cigar, cigarette, or other flaming or glowing substance or object on any surface or article.
- (c) *Open-flame cooking devices.*
  - (1) Charcoal burners, gas grills, and other open-flame cooking devices shall not be operated on combustible balconies or within ten (10) feet of combustible materials.
  - (2) Exceptions to this subsection (c):
    - a. Liquefied-petroleum-gas-fueled cooking devices as provided in subsection (d);
    - b. Single-family and two-family dwellings; and
    - c. Where buildings and balconies are protected by an automatic sprinkler system.
- (d) *Liquefied-petroleum-gas-fueled cooking devices.* LP-gas burners having an LP-gas container with a water capacity greater than 2.5 pounds shall not be located on combustible materials. Small Coleman or "camp type" cooking devices using 16.4-ounce cylinders are not subject to the prohibitions in this subsection.
- (e) *Grilling on beaches.*
  - (1) Charcoal grills, burners and other open-flame cooking devices are prohibited in all beaches and dunes.
  - (2) The use of liquefied-petroleum-gas-fueled cooking devices, as described in subsection (d) above, is permitted on the beaches provided the following conditions are met.
    - a. The cooking device is located at least fifty (50) feet away from any combustible materials including, but not limited to, structures, decks, porches, walkways, piers, and sea grass or other vegetation.
    - b. A competent person of age sixteen (16) years or older shall tend to the cooking device at all times.
    - c. The source of ignition and all combustion shall be completely extinguished at the completion of cooking.
    - d. The cooking device with all contents, accessories, fuel and fuel container shall be removed from the beach by the individual(s) responsible for the cooking device or who brought these items or any of them to the beach.
    - e. No food, fuel, fuel container, cooking device, or trash shall be left on the beach, buried in the sand, or disposed of in the ocean, canals, or sound. Such materials must be disposed of in an appropriate and proper manner properly by the individual(s) responsible for, who used, who owns or who brought the cooking device. Fuel and fuel containers must be disposed of in an appropriate container on the property of the individual(s) responsible for, are the owners of, use, or transport the cooking device.
- (f) *Deliberate or negligent burning.* It shall be unlawful to deliberately or through negligence set fire to or cause the burning of combustible material in such a manner as to endanger the safety of persons or property or in violation of the provisions of this ordinance.
- (g) *Penalty for violations.* Any person violating the provisions of this section shall be punished in accordance with section 1-6 of the Code of Ordinances.
- (h) *Municipal fire pits.* Fires may be built in municipal fire pits on the beaches provided the following conditions are met:
  - (1) Only natural wood, charcoal or paper products may be used as fuel.
  - (2) The burning of trash, refuse, or garbage is prohibited.
  - (3) The burning of lumber that is contaminated with nails, plastics, paint, staples or other materials is prohibited.

- (4) Fuel for the fire may not exceed a height of more than twelve (12) inches above the upper edge of the concrete fire container.
- (5) A competent person of age sixteen (16) years or older shall tend to the fire at all times.
- (6) The fire must be extinguished before leaving the beach.

(Ord. No. 07-06-05, 6-18-07; Ord. No. 10-04-02, 4-19-2010; Ord. No. 16-09-01, 9-26-2016)