

CHAPTER 8.04
AIR POLLUTION CONTROL—BURNING REGULATIONS

§ 8.04.010. Burning restricted generally.

A person shall not build, light, maintain or cause or permit to be built, lighted or maintained any open or outdoor fire, use or cause or permit to be used any fire for clearing land, burn or cause or permit to be burned any brush, trash, rubbish, stubble or other flammable or combustible material, except under the following conditions:

- A. Where the burning is done in a gas combustion multiple-chamber incinerator as defined in this chapter;
- B. Where the fire is ignited by or with the prior permission of the city council. Such permission shall be granted only upon a determination that unusual circumstances creating a hardship exist. The fire chief or his representative shall consider each request for a permit prior to consideration by the council and forward such request to the council with his recommendations thereon within five days after the filing of such application;
- C. For the instruction of public employees in the methods of fire fighting;
- D. For the purpose of instruction of private employees in the method of fighting fires;
- E. Where the fire is contained within an exterior fireplace, barbecue device or other burner intended for use for cooking or entertainment. The use of such outdoor fireplaces, barbecues and other similar devices for the burning or disposal of combustible waste or other unwanted combustible material is prohibited.

(Prior code § 12A-1)

§ 8.04.020. Burning on public property—Permit required.

No person shall ignite or burn any combustible waste matter on any publicly owned or controlled lot or parcel of land, public bridge, street or other public place which has not been set aside by public authority for such purpose without a permit to do so from the city council.

(Prior code § 12A-2)

§ 8.04.030. Leaving unattended fire prohibited.

No person shall leave or cause or permit to be left any outdoor or open fire unattended by an adult person or such person or persons as may be required in permit issued for such fire by the city council. Before leaving any such fire, such person or persons in charge of such fire shall thoroughly extinguish same by completely covering it with dirt, saturating it with water or otherwise treating it in such a manner to prevent rekindling of such fire.

(Prior code § 12A-3)

§ 8.04.040. Regulations for open fires.

In connection with open fires permitted pursuant to Section 8.04.010, no person shall cause or allow burning under any such permit if such burning will:

- A. Emit such smoke as will make the detection of other fires difficult and thereby be a hazard to public safety;
 - B. Cause fear or panic in any institution or in any place of public assemblage;
 - C. Constitute a public nuisance;
 - D. Constitute a health menace;
 - E. Create offensive smoke or odors.
- (Prior code § 12A-4)

§ 8.04.050. Caution required.

No person shall construct, erect, install, locate, equip, maintain or use any exterior fireplace or barbecue device, or burn any combustible material so as to constitute or occasion a fire hazard by the use or burning thereof or so as to endanger the life or property of any person thereby.

(Prior code § 12A-5)

§ 8.04.060. Incinerators.

- A. Multiple-chamber Incinerator Defined. A multiple-chamber incinerator is any incinerator which is approved as such by the San Diego air pollution control district.
 - B. Incinerator Construction, Maintenance and Operations. No person shall construct, erect, alter or install any incinerator without first having obtained an appropriate permit or permits for such construction, erection or installation from the building department. Construction, erection or installation of any incinerator shall be made only in accordance with all of the provisions of the code of the city and the San Diego air pollution control district regulations.
 - C. Every incinerator and the appurtenant equipment thereof shall be maintained in good condition at all times, and shall be operated in accordance with the approved operating specifications for such equipment. Ashes and other materials shall not be allowed to accumulate in the firebox so as to restrict proper combustion.
 - D. No person shall construct, erect, install, locate, equip, maintain or use any incinerator in such a manner that the use for burning is a fire hazard dangerous to life or property. The area adjacent to any incinerator shall be kept clear of rubbish, dry grass, weeds, vegetation or other combustible material.
- (Prior code § 12A-6)

§ 8.04.070. Offensive odors or excessive smoke prohibited.

Notwithstanding any other provisions of the code of the city, no person shall at any place or time within the city build, light, maintain, or cause or permit to be built, lighted or maintained, any burning of garbage, hair, rubber, rags, animal waste matter or other materials likely to create offensive odors or excessive smoke.

(Prior code § 12A-7)

§ 8.04.080. Permits—Fee.

A fee of twenty-five dollars shall be paid to the city prior to the issuance of any burning permit.
(Prior code § 12A-8)

§ 8.04.090. Permits—Issuance.

Upon approval of the application for a burning permit by the city council the applicant must pay the required fee to the city clerk. The city clerk shall endorse upon such application the fact that such fee has been paid. The burning permit shall thereafter be issued by the fire chief or his designated representative.
(Prior code § 12A-9)

§ 8.04.100. Public nuisance.

The violation of any provision of this chapter is deemed to be a public nuisance and may be abated in accordance with Chapter 1.16 of this code.
(Ord. 4318 § 5, 1991)