

AN ORDINANCE PROHIBITING OPEN BURNING IN THE CITY OF MARIETTA; PROVIDING FOR EXCEPTIONS; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT; PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY

BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF MARIETTA, OKLAHOMA:

SECTION 1. Chapter 42 of the code of Ordinances of the City of Marietta, is hereby amended to read as follows:

Sec 42-1. Outdoor Burning.

- (a) It is unlawful to burn rubbish, including all kinds of refuse, trash, and garbage, including yard waste, or natural vegetation, or any other combustible material within the corporate limits of the City of Marietta.
- (b) Open fires for cooking and recreation are permitted under the following conditions, and the provisions of sub-section (d) of this section:
 - (1) Fires used for the preparation of food when contained in a metal or masonry appliance designed for such use and when said appliance is used in accordance with manufacturer guidelines;
 - (2) Fires used for recreation when contained in a chiminea, or similar device, and said device is used in accordance with manufacturer guidelines;
 - (3) Bonfires sponsored by an association, partnership, corporation, organization, or group, with a written permit approved by the Fire Chief of the City of Marietta;
 - (4) Fires set for the bona fide purpose of training firefighters with written approval by the Fire Chief of the City of Marietta.
- (c) The burning of trees, brush, and other vegetation is permitted on agricultural zoned properties for land management, land clearing operations, and/or development of land with a written permit approved by the Fire Chief of the City of Marietta, and when burning is conducted in accordance with the provisions of sub-section (d) of this section.
- (d) Any open burn authorized by this Section may be conducted with the following provisions:
 - (1) All fires must be supervised at all times by a person eighteen (18) years of

age or older;

- (2) The size of the fire does not present a fire danger;
- (3) The fire does not occur during a period where the type of fire is prohibited under an official burn ban;
- (4) No public nuisance is created;
- (5) The fire is controlled so that a traffic hazard is not created as a result of air contaminants being emitted;
- (6) The burning is conducted so that the ambient air quality of the area is not adversely affected.

Sec. 42-2. Penalties.

Any person, firm, or corporation violating any provision of this section shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine not exceeding five hundred (\$500) dollars, plus costs.

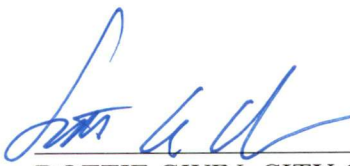
SECTION 2. All ordinances or parts of ordinances in conflict herewith are, to the extent of such conflict, repealed.

SECTION 3. If any section, sub-section, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this Ordinance.

PASSED by the City Council and **SIGNED** by the Mayor of the City of Marietta, Oklahoma on this 8th day of June 2021.

CITY OF MARIETTA

ATTEST:



DOTTIE GWIN, CITY CLERK
SCOTT CHANEY, DEPUTY CITY CLERK



BY: 

KIMBERLY FRAIRE, MAYOR