

## CHAPTER 92: MERRILL CLEAN AIR ORDINANCE

### Section

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#### § 92.01 Policy and Purpose

Control and address air quality problems so that Merrill will have clean air for the benefit of its citizens' health and welfare; to be in compliance with the terms of the Federal Clean Air Act of 1990 and to improve economic development opportunities.

*(Ord. 152. Passed 6-6-1968; Am. Merrill Clean Air Ordinance, passed 5-8-2018)*

Penalty, see § 92.99

#### § 92.02 DEFINITIONS

Definitions are defined in Chapter 406 of The Klamath County Clean Air Ordinance.

*(Ord. 152, passed 6-16-1968; Am. Ord. 163A, passed 10-5-1971; Am. Merrill Clean Air Ordinance, passed 5-8-2018)* Penalty, see § 92.99

#### § 92.03 AIR QUALITY POLLUTION PROHIBITIONS

(1) Burning Prohibited Material: Prohibited materials as defined in Klamath County Clean Air Ordinance Chapter 406.005 (21) (see subsection (a) below) Shall not be burned in domestic open burning (including burn barrels), fireplaces, solid fuel-fired appliances, cook stoves or trash burners within The City of Merrill. An exception is the burning of re-refined used oil in an approved oil-burning device.

(a) Prohibited Materials: Any combustible material as defined by the State's Prohibited Materials open burning rule which include wet garbage, plastic, wire insulation, automobile parts, asphalt, petroleum products, petroleum treated material, rubber products, animal remains, or animal or vegetable matter resulting from the handling, preparation, cooking, or service of food that normally results in dense or noxious smoke when burned. Also included are any open burned materials that cause a public or private nuisance or a hazard to public safety.

(2) Open Burning Restrictions: This section pertains to open burning (outdoor burning):

## Merrill—General Regulations

(a) The burning of prohibited material as defined in **Section 92.03 (a)** within the City of Merrill is prohibited.

(b) Fires must be completely out by sunset unless otherwise permitted or directed by The Merrill Rural Protection District. State Fire Marshal restrictions and Merrill Rural Protection District no-burn periods will supersede allowed burning.

(c) The use of containers or apparatuses (burning barrels, wire cages) for burning are prohibited.

(d) All outdoor burns must not exceed 36 inches in diameter, have water immediately available in such quantity as to extinguish the fire and be attended to by a person.

(e) Only vegetation, in its natural state, may be burned in outdoor fires (i.e.: limbs, leaves, grass, wood). No paper, processed wood products or cardboard may be burned at any time.

(g) Exceptions to the outdoor burning restrictions are small fires for cooking and warming (i.e. barbeques and outdoor fireplaces).

(f) Any violation of Klamath County Clean Air Ordinance contained in Chapter 406 can be a violation of Merrill City Code. (*Ord. 163A, passed 10-5-1971; Am. Merrill Clean Air Ordinance, passed 5-8-2018*) Penalty, see § 92.99.

### § 92.99 PENALTY

Any person who shall violate any of the provisions of Chapter 92 shall, upon conviction be subject to penalties as set forth in Chapter 10.99 of this code.  
(*Ord. 152, passed 6-6-1968; Am. Merrill Clean Air Ordinance, passed 5-8-2018*)