



Backyard Fire Pits, Opening Burning, and Public Health Nuisances

City of Lincoln Air Pollution Code

November 2012

What is Open Burning?

The Lincoln Municipal Code 8.06 Air Pollution defines open burning as the burning of any matter in such a manner that the products of fire combustion are released directly into the outdoor air without passing through an adequate stack, duct, or chimney. This would include burning wood in a metal fire pit, a chiminea, fire tables, a freestanding fireplace, home-made fire pits made from landscaping block, or below ground-level pits.

When is open burning a problem?

Any time smoke from a fire travels onto a neighboring property and affects the health and safety of the neighbors it is a violation of the air pollution code. This is a public health nuisance condition.

What can I burn?

You can only burn clean dry wood.

What can't I burn?

You cannot burn leaves, pine needles, grass, recently cut branches, brush, or any kind of household trash. You cannot use a fire to dispose of any kind of waste, including wood waste.

How big of fire can I have?

The fire cannot be larger than 8 cubic feet or greater than 3 feet in diameter.

Where can I have a fire?

All fire pits must be located a minimum 25 feet from any structure or combustible material and you must have fire extinguishing materials (water, dirt, sand, etc.) available.

Do I have to supervise the fire?

A responsible adult must constantly attend and supervise the fire until it has been completely extinguished.

Why is smoke such a health concern?

The smoke created from wood burning creates air pollution and public health problems. By definition, smoke is toxic, since it contains hazardous air pollutants, fine particle pollution, and volatile organic compounds (VOC) all of which can harm people's health and may cause cancer. Fine particle pollution in smoke can damage lung tissue and lead to serious respiratory problems when breathed in high concentrations. In low concentrations, particle pollution in wood smoke can harm the health of children, the elderly, and those with asthma, allergies, heart problems or existing respiratory diseases, such as emphysema or COPD.

Please, be a considerate, good neighbor – don't burn if the smoke from your fire impacts a neighbor's property or health.

For more information, please contact the Air Quality Program at 402-441-8040.

8.06.150 Air Pollution Nuisances Prohibited.

(a) The emission or escape into the open air from any source or sources whatsoever of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger or tend to endanger the health, comfort, safety, or welfare of the public, or is unreasonably offensive and objectionable to the public, or shall cause unreasonable injury or damage to property or interfere with the comfortable enjoyment of property or normal conduct of business, is hereby declared to be a public nuisance. It shall be unlawful for any person to cause, permit, or maintain any such public nuisance.

(b) Nothing in any section of the Air Pollution Control Program shall in any manner be construed as authorizing or legalizing the creation or maintenance of a nuisance as described in this section of this chapter. (Ord. 16509 §16; November 15, 1993: prior Ord. 15550 §15; May 14, 1990: P.C. §8.64.131: Ord. 11616 §13; March 1, 1976).

8.06.180 Penalty.

Any person who violates any of the provisions of this chapter or who fails to perform any duty imposed by the same shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment in the county jail for a period of not to exceed six months or by a fine of not to exceed \$500.00 recoverable with costs, or both such fine and imprisonment. Each day that a violation continues shall constitute a separate and distinct offense and shall be punishable as such. In default of the payment of such fine and costs, the person or, if such person is a corporation, the officers of such corporation may be imprisoned in the county jail for a period of not more than sixty days and in addition thereto may be enjoined from continuing such violation. (Ord. 16509 §19; November 15, 1993: prior Ord. 15550 §18; May 14, 1990: P.C. §8.64.141: Ord. 11616 §14; March 1, 1976).