



**Code of Ordinances**  
CITY OF AUBURN





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Offenses Relating to  
Property

CHAPTER

131

AUBURN



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**131.01 SMOKING IN BED PROHIBITED IN TRANSIENT LODGINGS**

- A. No person shall smoke or be in possession of a lighted cigar, cigarette, or pipe, while in or upon a bed in a hotel, rooming house, tourist room, tourist cabin, or other place available for transient lodging.
- B. The owner, manager, or other person in charge of any hotel, rooming house, tourist house, tourist cabin, or other place available for transient lodging shall post a copy of this section in a conspicuous place in all rooms generally used for sleeping by guests or tenants of these places.

**131.02 DEPOSITING ASHES ON PUBLIC PROPERTY**

No person shall throw, deposit, allow to be thrown or deposited, permit any person under his control to throw or deposit, or allow to remain, any ashes or cinders in, into, or upon any street, lane, alley, sidewalk, gutter, catch basin, crossing, common, public park, or water course within the city.

**131.03 TELEVISION AND RADIO INTERFERENCE**

- A. No person shall knowingly or wantonly operate or cause to be operated any machine, device, apparatus, or instrument of any kind within the corporate limits of the city which causes reasonably preventable electrical interference with television or radio reception within the city limits. However, X-ray pictures, examinations, or treatments may be made at any time if the machine or apparatus used therefore are properly equipped to avoid all unnecessary or reasonably preventable interference with radio and television reception and are not negligently operated.
- B. This section shall not be construed to embrace or cover the regulation of any transmitting, broadcasting, or receiving instrument, apparatus, or device used or useful in interstate commerce, or the operation of any instrument, apparatus, or device licensed or authorized by or under the provisions of any act of the Congress of the United States.

**131.04 SETTING FIRES**

No person shall burn or set fire to any material in any street or alley within 40 feet of any building within the corporate limits of the city and abandon and not watch and maintain control over it until entirely consumed and extinguished.

**131.05 FALSE FIRE ALARM; TAMPERING WITH ALARM BOXES**

No person shall within the city give or make a false alarm of fire, or intermeddle with, injure, or destroy wires or appliances of the fire alarm boxes of the city, willfully, carelessly, or maliciously.

**131.06 SETTING FIRES ON PRIVATE PROPERTY**

- A. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading to within 50 feet of any structure, or the fire is contained in an approved waste burner.
- B. An "APPROVED WASTE BURNER" shall include a metal barrel, metal drum, or brick, cement, or masonry block enclosure. The waste burner shall be fitted with a suitable cover or a screen spark arrester with mesh not exceeding 1/2 inch.
- C. Outdoor waste burners shall not be located within 15 feet of any structure or building and shall be positioned so that there is no direct exposure to buildings, fences, shrubbery, or other combustible materials in the event of failure of the spark arrester. Outdoor waste burners which are rotted,



damaged, or warped so as to permit the passage of sparks larger than those which the spark arrester or cover is designed to restrain shall not be considered approved waste burners.

- D. No person, association, corporation, or any other entity shall burn any material between sunset and sunrise.

### 131.07 OUTDOOR OPEN FIRES

- A. Any outdoor open fire kindled or maintained in the city shall be located as follows:
  - 1. No less than 50 feet from any structure with adequate provision being made to prevent such fire from spreading to within 50 feet of any structure; and
  - 2. Contained in an approved waste burner which shall include a metal barrel, metal drum, or brick or masonry block enclosure fitted with a suitable cover or screen spark arrester with mesh opening not exceeding 1/2 inch.
- B. Any outdoor open fire to be kindled or maintained in a manner other than specified in division (A) above shall be done so only pursuant to a permit issued by the Chief of the Fire Department, or his designee, whose criterion in issuing the permit shall be that the fire can be kindled and maintained in a manner not hazardous to property or health.
- C. The Chief of the Fire Department, or his designee, may prohibit any and all outdoor open fires when atmospheric conditions or local circumstances make such fires hazardous or the smoke and fumes therefrom detrimental to those suffering respiratory problems.

### 131.99 PENALTY

- A. Any person who violates any provision of 131.01 shall be fined in a sum not exceeding \$100.
- B. Any person who violates any provision of 131.02 shall, upon conviction, be fined in any sum not exceeding \$25. Each day's violation shall constitute a separate offense.
- C. Any person who violates any of the provisions of 131.03 shall, upon conviction, be punished by a fine in any sum not exceeding \$100. Each day during which the violation continues shall constitute a separate offense.
- D. Any person who violates any provision of 131.04 or 131.05 shall, upon conviction, be fined in any sum not exceeding \$5.
- E. Any person who violates 131.07 shall, upon conviction, be fined in any sum not less than \$25 nor more than \$500.