From:	Jim Nugent
To:	Ellen Leahy; Ellen Leahy; Shannon Therriault; Jeff Brandt; Gordy Hughes; Brad Davis
Cc:	Dept. Mayors Office; Grp. City Council and City Web Site; Jaeson White; Scott Hoffman; Mike Colyer; Chris Odlin; Richard Stepper; Laurie Clark; Dept. Attorney
Subject:	Citizen health as well as nuisance concerns about nearby fire pit smoke entering their residence through open windows
Date:	Tuesday, June 23, 2020 3:27:50 PM

TO WHOM IT MAY CONCERN:

This afternoon Cass Chinske, 544-2030 and email casschinskeproperties@bigsky.net; telephoned expressing health and nuisance concerns about open burning fire pit smoke drifting through their open windows in the late evening and causing his ill wife and himself health and public nuisance concerns about the nearby use of open burning fire pits in urban residential neighborhoods.

Currently City of Missoula Municipal Code section 8.60.020 is entitled OPEN BURNING RESTRICTED. Subsection 8.60.020(B)(3) Missoula Municipal Code (MMC) basically provides that while generally outdoor burning is unlawful within the city limits, there are exceptions pursuant to which some outdoor burning is allowed including instances when "(3) The fire does not cause a fire nuisance as determined by the fire or health department".

Cass Chinske informs that he and his wife consider the open pit burning smoke entering into their residence to separately be both a nuisance as well as a health issue; especially considering his wife's existing health issues. . Cass Chinske indicates that at their residence they need to be able to open their residential windows; because otherwise their residence can be unbearably hot on hot days at this time of the year. Thus, closing their residential windows is not an acceptable healthful alternative.

Cass Chinske expressed concern that the current city open burning ordinance does not expressly address or take into account the health impacts that open burning of fire pits may have on people. Cass Chinske indicates that pursuant to the current city ordinance staffs do not appear to have any guidelines/criteria or standards as to what is meant by the phrase "fire nuisance" that is set forth in subsection 8.60.020(B)(3) MMC.

Is either the city/county health department staff and/or city fire staff currently able to adequately address citizen health and nuisance concerns about open burning outdoor fire pit smoking negative impacts on nearby residents? As a threshold, it must be ascertained if the health department and/or city fire department believe that citizen concerns, such as those expressed by Cass Chinske, are able to be adequately addressed by existing Missoula Municipal Code provisions? Or would an additional ordinance regulation be necessary in order to address these type of citizen concerns about open pit smoke entering nearby residential dwelling unit.

Thank you in advance for your input and responses.

JIM NUGENT