

ORDINANCE NO. 97-10

AN ORDINANCE REGULATING THE OUTSIDE BURNING OF YARD WASTE, GARBAGE, DOZER DECKS, OR ANY OTHER FORM OF OUTSIDE BURNING IN THE CITY LIMITS OF GASSVILLE, ARKANSAS; PROVIDING PENALTIES FOR VIOLATIONS; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES

WHEREAS, Act 1151 of 1997, allows the open burning of yard waste; and

WHEREAS, in order to protect the health and welfare and safety of the residents of the City of Gassville, it is necessary to establish minimum requirements for open burning in the city limits of Gassville, Arkansas.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GASSVILLE, ARKANSAS:

Section 1. Definitions

A. Open Burning - shall mean the incineration or combustion of waste materials as a method of disposal without any means to control fuel/air ratio.

B. Yard Waste - shall mean grass clippings, leaves, and shrubbery trimmings collected from residential property.

C. Garbage - shall mean waste parts of food, as from a market or kitchen: animal or vegetable matter that is thrown away, plastics, asphalt, rubber and other man-made materials.

Section 2. Exceptions.

Nothing in this ordinance is to be construed as to prevent open burning for the purposes of recreation, heating/food preparation, provided that the fire is contained in a three (3) foot burning pit, and the flame does not exceed one (1) cubic yard. A means to extinguish the fire shall be at the burn site readily available, the fire shall be monitored at all times and fully extinguished prior to departing area.

Section 3. Open Burning of Garbage Prohibited.

No person, firm, or corporation shall kindle or maintain any open burning of garbage, or the burning of garbage in any open container such as a burn barrel in the City of Gassville Arkansas.

Section 4. Burning in Streets, Ditches, Alleys or Easements Prohibited.

No person, firm, or corporation shall kindle or maintain any open burning in any public street, alley, ditch, or easement in the City of Gassville Arkansas, except for City Employees clearing easements or right-of-ways.

Section 5. Persistent Offense, Fire or Safety Hazards Prohibited.

No person, firm or corporation shall kindle or maintain any open burning that is a persistent offense to neighbors, a fire hazard to surrounding property, or safety hazard.

Section 6. Residential Safety Standards

No person, firm or corporation shall burn yard waste, unless the following safety standards are followed:

1. Burning shall be on a day with five (5) mile per hour winds or less
2. All burning shall be constantly supervised by a competent person of not less than sixteen (16) years of age.
3. All burning shall be not less than 25 feet from any structure.
4. All burning shall be accomplished during daylight hours only.
5. All burning shall be controlled and maintained in a safe manner at all times, and means to extinguish the fire shall be at the burn site readily available.
6. No open burning will be allowed when City/Fire Officials post a ban on burning, due to weather conditions, which make open burning hazardous.

Section 7. Permit Required

Any person, firm or corporation clearing land for construction of commercial or residential property, shall secure a permit for the sum of \$5.00 from City Hall, before any open burning shall begin.

Section 8. Safety Standards for Commercial Burning

1. A City/Fire Official shall conduct an inspection of the burn site prior to issuing a permit to proceed with the open burning.
2. Open burning shall be during daylight hours only, unless approved by City/Fire Officials.
3. An approved method of extinguishment shall be on site at all times and readily available.
4. Open burning shall not be less than 50 feet, from any structure.
5. Stumps or objects over six (6) inches in diameter will not be allowed to burn unless prior approval of City/Fire Officials has been obtained.
6. Open burning shall be supervised at all times by a competent person of at least sixteen (16) years of age
7. No open burning will be allowed during a burning ban or when adverse weather conditions would otherwise make burning hazardous.

Section 9. Penalty for Violation

Any person, firm or corporation who shall violate the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined the sum of not less than Twenty Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00).

Section 10. Repealing Clause

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 11. Severability

The provisions of this ordinance are hereby declared to be severable. If any provisions should be held to be invalid, unconstitutional, or inapplicable to any person or circumstance, such holding shall not affect the validity or applicability of the remainder of the provisions hereof.

Section 12. Emergency Clause

Whereas, minimum requirements for open burning of yard waste are necessary for the immediate preservation of the public peace, health and safety, an emergency is hereby declared to exist and this ordinance shall be in full force and effect from and after its passage.

PASSED AND APPROVED: OCTOBER 21, 1997