

ORDINANCE NO. 2019 _____

AN ORDINANCE REDEFINING AND LIMITING CONDITIONS FOR OPEN BURNING WITHIN THE CITY LIMITS OF THE CITY OF BRYANT; PROVIDING FOR ENFORCEMENT; AND FOR OTHER PURPOSES

WHEREAS, the City of Bryant previously enacted Ordinance 2015 – 13 to define and limit conditions for open burning within the City of Bryant; and

WHEREAS, the City of Bryant wishes to amend that Ordinance 2015-13 to alter the time limits of permissible burning with the passage of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BRYANT, SALINE COUNTY, ARKANSAS:

Section 1. Amendment to Ordinance 2015 – 13.

Ordinance 2015-13 is hereby repealed and replaced with the following definitions and limiting conditions for open burning within the City Limits of the City of Bryant.

Section 2. Permissible Burning

A. Vegetation Abatement

In accordance with Arkansas Code Annotated § 8-6-1703(d), instances of open burning of yard waste by residents are expressly discouraged. For the purpose of open burning, “yard waste” shall be defined as grass clippings, leaves, tree limbs and shrubbery trimmings collected by a resident or property owner from residential property located within the city limits of the City of Bryant.

1. The burning of yard waste is allowed on parcels of 2 acres or more.
2. A current Yard Waste Burn Permit must be obtained prior to burning. The permit will be free of charge and be good for a period of 1 year, from January 1 to December 31. The permit must be renewed annually and will be issued from the City of Bryant Code Enforcement Department.
3. Open burning of yard waste shall not be allowed unless the following conditions are met;
 - a. Burning must be at least twenty feet from any structure, any material composed in whole or part of combustible or flammable material; any property line; or utility lines or facilities.

- b. The fire must be attended at all times. The person attending the fire must have a charged hose (i.e. the hose must be connected to a working faucet and the water must be on and pressurized within the hose) and/or sufficient water supply or other suitable means available to completely extinguish the fire in the event that fire spread occur.
- c. Burning shall not commence until one (1) hour before sunrise, and shall be completely extinguished by two (2) hours after sunset.
- d. For purposes of determining Land Parcel size, the Bryant Fire Chief of his designee shall use the Saline County Parcel Records accessible through www.efsedge.com/saline.

B. Burn Bans may be issued under the following circumstances

- a. Atmospheric conditions that prevent smoke from rising freely.
 - b. When excessively dry conditions exist.
 - c. Sustained winds greater than fifteen (15) mph or 13.0 Knots as measured by Saline County Automated Weather Observation System (AWOS) available at phone number 501-847-3883..
 - d. Frequent peak wind gusts greater than twenty-five (25) mph or 21.7 Knots as measured by Saline County Automated Weather Observation System (AWOS) available at phone number 501-847-3883.
1. Burn bans may be issued by:
- a. Governor
 - b. County judge
 - c. Bryant Fire Chief or designee

C. Development, Construction, or Site Improvement Burning

Open burning of trees, limbs or vegetation removed during the process of site preparation for construction or site improvement shall not be allowed unless the following conditions are met:

- a. The burning is to occur at least 20 feet from all property lines encompassing the parcel.
- b. All surface vegetation must be removed from all surface areas adjacent to the burning materials for a distance of no less than 20 feet in all directions.
- c. Approved materials to be burned may be placed in a pile no larger than 20 feet

in diameter and 10 feet in height. No more than one pile per acre on the site may be burned at any given time by an individual resident, property owner, contractor, or developer up to 10 acres. For sites over 10 acres, the number and arrangement of piles must be approved by the Fire Chief or his designee.

- d. The fire must be checked periodically by a responsible person. The person tending the fire must have sufficient extinguishment equipment on site (tractor with blade, water truck, dozer, etc.) and available to completely extinguish/contain the fire in the event that fire spread occurs. Periodically means that a responsible person is sufficiently present to prevent the spread of the controlled fire allowed by this subsection. If fire spreads outside the area of identified and made available for burning under this subsection, then it is prima facie evidence that the fire was not being checked periodically and the land owner, contractor, and/or resident are subject to Sections 2 and 3 of this Ordinance.
- e. The parcel of real estate must be no less than one (1) acre.
- f. A device must be used to expedite and assist burning such as a trench burner, air destructor, burn fan, etc.
- g. Notification must be given to the Bryant Fire Department at least twenty-four hours prior to the intended burning of said trees, limbs or vegetation, by notifying the City of Bryant Public Safety Dispatch at 501-943-0865.
- h. A Commercial Burning Permit must be obtained prior to burning from the City of Bryant Code Enforcement office. The permit will be good for a 30 calendar day period and the fee will be \$500.

D. Other Allowed Burning

The following types of burning activities are permitted according to the circumstances listed herein:

- a. Fires of a controlled and manageable nature used in the course of food preparation that incorporate the use of barbecue equipment, outdoor fireplaces, cooking grilles, or cooking pits specifically designed and created for the preparation of food.
- b. Burning associated with road construction or right-of-way clearing operations. Any road construction or right-of-way clearing type of burning, the contractor or property owner must give notice to the Bryant Fire Department. Notification must be given to the Bryant Fire Department at least twenty-four hours prior to the intended burning of said trees, limbs or vegetation, by notifying the City of Bryant Public Safety Dispatch at 501-943-0865.
- c. Fires allowed by the Bryant Fire Department for the purpose of weed abatement, evention and/or elimination of a fire hazards, and burning of storm debris , with burning of such debris at the sole discretion of the Fire Chief or his designee depending on weather, safety and environmental concerns.
- d. Instruction of fire department employees in methods of firefighting under the direct supervision of the Bryant Fire Department or authorized fire training instructor.
- d. Fires associated with ceremonial (bon fire) or recreational (fireplaces, fire rings, or fire pits) purposes.

1. The location of ceremonial fires shall be a minimum of 50 feet from a structure or combustible material. Approved materials to be burned shall be placed in a pile no larger than 15 feet in diameter and 10 feet in height. No more than one pile may be burned at any given time by an individual resident or property owner. Only the burning of dry and seasoned wood is permitted. The Bryant Fire Department shall inspect and approve the burn site. No permit is required.
2. The location of recreational fires shall be a minimum of 10 feet from a structure or combustible material. Approved materials to be burned shall be placed in a pile no larger than three feet in diameter and two feet in height. Only the burning of dry and seasoned wood is permitted. No permit is required.

Section 3. Prohibited Acts of Burning

The following open burning practices shall be prohibited within the corporate boundaries of the City of Bryant, Arkansas;

- a. Open burning of trash, garbage, and/or rubbish by any resident or business for the purpose of incineration.
- b. Open burning of construction waste of any kind on the premises of a construction sight.
- c. Open burning of materials resulting from remodeling, dismantling and/or demolition of structures or buildings.
- d. Open burning of vegetation clippings generated by, or resulting from, commercial activities or establishments that provide lawn maintenance and/or grounds care services through the course of normal business activities.
- e. Open burning in any right of way (ditches, alleys, street, etc.)
- f. Any burning activity when a burn ban is instituted by an appropriate governmental agency or executive as listed above.
- g. Any burning in violation of the requirements listed within this Ordinance.

Section 4. Violations and Enforcement

- a. An offender shall be issued a warning citation for a first violation of any provision of this ordinance, unless circumstances warrant more serious enforcement action as determined by the City of Bryant Fire Chief, or City of Bryant Police Chief
- b. Any person convicted of a second violation of a provision of this Ordinance, shall be fined the sum of one hundred dollars (\$100.00) plus court cost.
- c. Any person convicted of a third violation of a provision of this Ordinance within a 5 year period, shall be fined the sum of two hundred fifty dollars (\$250.00) plus court cost, and be ineligible to conduct any open burning of any type within the

city boundaries of Bryant. Citations may be issued by the Bryant Police Department or authorized Fire Department personnel, who have law enforcement authority.

Section 5: Provisions Severable. If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of the Ordinance are hereby declared to be severable.

Section 6: Repealer. All ordinances and resolutions and parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this _____ day of September, 2019.

Allen E. Scott, Mayor

ATTEST:

Approved as to Form:

Sue Ashcraft, City Clerk

Josh Farmer, City Attorney