

ORDINANCE NO. 2015-13

**AN ORDINANCE DEFINING 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 finds it necessary to enact an ordinance to define and limit conditions for open burning within the City of Bryant; and

WHEREAS, the City of Bryant is authorized to enact and enforce laws, ordinances resolutions, rules, or regulations for the purpose of prohibiting burning in the open pursuant to Arkansas Code Annotated § 8-4-306 (b); and

WHEREAS, the City of Bryant has the responsibility and authority to abate fire hazards through regulatory mechanisms deemed necessary and appropriate under Arkansas Code Annotated § 8-6-1703(d).

THEREFORE BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS THAT:

Section 1. Permissible Burning

A. Residential 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 during the following Calendar Periods:
 - a. beginning at one (1) hour before sunrise March 1 and ending at two (2) hours after sunset May 31st of each year; and
 - b. during the period beginning at one (1) hour before sunrise October 1 and ending at two (2) hours after sunset December 31st of each year.
2. The Bryant Fire Chief or designee may declare certain periods of time within the Calendar Periods listed above as "Smoke Free Periods" under the following circumstances:
 - a. Within a one-half mile radius of an outdoor public event including, but not limited to, authorized Parades, outdoor public sporting events, outdoor public gatherings such as Fall Fest, concerts, or other outdoor public assemblies including religious, civic, and community events. The intent of this provision is to protect outdoor public gatherings from the nuisance of lingering or low lying smoke coming from yard waste fires occurring within ½ mile of the outdoor public event.
 - b. When an identified outdoor public event is scheduled to occur during the Calendar Period, through either permitting with the City Parks Department, Police Department, or Code enforcement, the Fire Chief or his designee may declare a

Smoke Free Period for the duration of that scheduled event and within the ½ mile radius surrounding that event. When an event is scheduled and a determination is made to make the surrounding area "Smoke Free" the Fire Chief shall take reasonable steps to provide 48 hours advance notice on the City of Bryant website and through Notify Me.

- c. In the event of a yard waste fire occurring during the Calendar Period within a ½ mile radius of an outdoor public event, and the smoke from that yard waste fire lingers or remains low lying within the immediate area of the outdoor public event, then Fire Chief or his designee may require the extinguishment of any yard waste fire for the remainder of the outdoor event so affected by the low lying or lingering smoke.
3. Open burning of residential yard waste shall not be allowed unless the following conditions are met;
- a. Yard waste materials to be burned located on parcels of less than one (1) acre shall be placed in a pile no larger than five feet in diameter and two feet in height. No more than one pile may be burned at any given time by an individual resident or property owner.
 - b. Yard waste materials to be burned located on parcels of more than one (1) acre shall be placed in a pile no larger than six feet in diameter and three feet in height. The number of piles to be burned will not be restricted but must adhere to conditions d, e, and f.
 - c. Land Parcels of 2 acres or more are exempt from the prescribed Calendar Periods and pile size restrictions of Article 3.b. Although these parcels may burn year round they must comply with conditions of Section 1(A)(3), articles d, e, & f of this Ordinance.
 - d. 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.
 - e. 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 happens to occur.
 - f. Burning shall not commence until one (1) hour before sunrise, and shall be completely extinguished by two (2) hours after sunset.
 - g. 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.

I. Burn bans may be issued by:

- a. Governor
- b. County judge
- c. Bryant Fire Chief or designee

C. 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 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 or contractor.
- 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.
- f. The parcel of real estate must be no less than one (1) acre.
- e. 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.

D. Agricultural Burning

Open burning in the course of agricultural operations (farming) shall not be allowed unless the following conditions are met:

- a. The perimeter of the parcel to be burned is tilled, disked or plowed in order to remove vegetation from the ground surface. Vegetation removal must be no less than 10 feet in width.
- b. The fire must be attended at all times.
- c. Burning shall not commence before sunrise, and shall not extend beyond sunset.

E. 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, prevention and/or elimination of a fire hazards, and burning of storm debris following a disaster (City, County, State, Federal), as declared by an appropriate governmental authority, 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 or for civil defense instruction, and under the direct supervision of the Bryant Fire Department or authorized fire training instructor.
- e. 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 15 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 2. 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 3. 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 4. Repealer Clause

All ordinances or resolutions or any parts thereof in conflict with the hereinabove are repealed to the extent of the conflict.

Section 5. Severability Clause

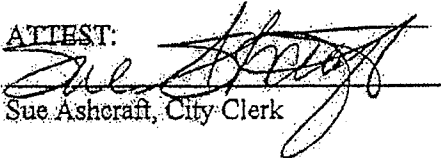
If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this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

PASSED AND APPROVED this the 28 day of April 2015.



Jill Dabbs, Mayor

ATTEST:



Sue Ashcraft, City Clerk

AN ORDINANCE TO AMEND ORDINANCE No. 2015-13 REGARDING THE
DEFINING AND LIMITING CONDITIONS FOR OPEN BURNING WITHIN THE CITY
LIMITS OF THE CITY OF BRYANT

WHEREAS, The City Council of the City of Bryant enacted Ordinance No. 2015-13 that Defined and Limited the conditions for open burning within the City of Bryant; and

WHEREAS, It has been discovered that certain terms in that Ordinance need additional clarification and expansion for development of rural land and the efficient removal of natural debris, trees, limbs or vegetation; and

WHEREAS, the City Council of the City of Bryant wishes to amend Ordinance No. 2015-13 to clarify Section C of that Ordinance.

NOW, THEREFORE BE IT ordained by the City Council of the City of Bryant, Arkansas, as follows:

Section 1. Amendment

Ordinance No. 2015-13 Section 1, Subsection C is hereby deleted and replaced in its entirety as follows:

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 15 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 12 acres. Sites over 12 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. 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.

Section 2. Severability

The provisions of this Ordinance are separable and if any section, phrase or provision shall be declared invalid, such declaration shall not affect the validity of the remainder of the Ordinance.

Section 3. Repealer


All ordinances and resolutions and parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

PASSED AND APPROVED this 22 day of December, 2015.



Mayor Jill Dabbs

ATTEST:



Sue Askcraft, City Clerk