



Legislation Text

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ORDINANCE TO AMEND THE JONESBORO CODE OF ORDINANCES DEFINING AND LIMITING CONDITIONS FOR OPEN BURNING WITHIN THE CITY LIMITS OF THE CITY OF JONESBORO; PROVIDING FOR ENFORCEMENT BY THE FIRE DEPARTMENT; AND FOR OTHER PURPOSES

WHEREAS, the City of Jonesboro finds it necessary to enact an ordinance to define and limit conditions for open burning within the City of Jonesboro; and

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

NOW THEREFORE BE IT ORDAINED, by the City Council of the City of Jonesboro, Arkansas that:

SECTION 1: The Jonesboro Code of Ordinances shall be amended to include the following under Title 7, Chapter 7.37 to be entitled Open Burning:

7.37.01 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 within the corporate boundaries of the City of Jonesboro. For the purpose of open burning, yard waste shall be defined in accordance with Arkansas Code Annotated 8-6-1701 (2) as grass clippings, leaves, and shrubbery trimmings collected by a resident or property owner from residential property.

Open burning of yard waste shall not be allowed unless the following conditions are met;

(A) Yard waste materials to be burned may be placed in a pile no larger than three 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) Burning must be at least twenty five feet from the nearest structure, and must be at least twenty five feet from the nearest property line.

(C) The fire must be attended at all times. The person attending the fire must have a charged hose and/or sufficient water supply available to completely extinguish the fire in the event that fire spread happens to occur.

(D) Burning shall not commence before one hour after sunrise, and shall not extend beyond one hour before sunset.

7.37.02 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 site consists of a parcel of real estate no less than one (1) acre in size.
- (B) The burning is to occur at least 100 feet from all property lines encompassing the parcel.
- (C) All surface vegetation must be removed from all surface areas adjacent to the burning materials for a distance of no less than 100 feet in all directions.
- (D) The fire must be attended at all times.
- (E) Notification must be given to the Jonesboro Fire Department at least twenty-four hours prior to the intended burning of said trees, limbs or vegetation, and authorization must be obtained from the Fire Marshall, Assistant Chief, or Chief of the Jonesboro Fire Department before burning may begin.

7.37.03 Agricultural Burning

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

- (A) The parameter 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 50 feet in width.
- (B) The fire must be attended at all times.
- (C) Burning shall not commence before one hour after sunrise, and shall not extend beyond one hour before sunset.

7.37.04 Prohibited Acts of Burning

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

- (A) Open burning of trash, garbage, and/or rubbish by any resident or business for the purpose of incineration. Burn barrels or other makeshift containers shall not be considered sufficient for controlling fuel-air ratio mixtures and will not be allowed. In addition, in accordance with 8-9-403 section 2 paragraph "b" of the Arkansas Code, open burning of tires is strictly prohibited.
- (B) Open burning of construction waste of any kind on the premises of a construction sight except as provided by 8-4-305 section 8 of the Arkansas Code.
- (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.

7.37.05 Exceptions to Open Burning

Provisions of this ordinance do not pertain to the following types of open burning;

(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. However, such fires must be attended at all times.

(B) Burning associated with road construction operations and the use of mobile and portable equipment and machinery incident thereto.

(C) Fires allowed by the Jonesboro Fire Department for the purpose of weed abatement or for the prevention and/or elimination of a fire hazard.

(D) Instruction of fire department employees in methods of fire fighting or for civil defense instruction.

(E) Fires associated with ceremonial or recreational purposes so long as such fires comply with section 6 of this ordinance. Furthermore, in such instances notification must be given to the Jonesboro Fire Department at least twenty-four hours prior to the intended burning and authorization must be obtained from the Fire Marshall, Assistant Chief or Chief of the Jonesboro Fire Department before burning may begin.

7.37.06 Nuisance or Safety Hazard

Smoke emissions from permissible open burning shall not be allowed to become a nuisance or safety hazard. In the event that such emission are identified by the Jonesboro Fire Department to be of an offensive nature to surrounding landowners and/or is determined to be detrimental to the general safety and well being of the public, the Jonesboro Fire Department may require discontinuance of such open burning without recourse.

7.37.07 Violation

Violation of this ordinance may result in fines and or imprisonment pursuant to Arkansas Code Annotated § 5-38-302, §5-38-303, §5-38-310, and §8-6-1703, and any other applicable codes, regulations and laws as provided by state and federal statutes.

SECTION 2: All ordinances or part of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3: The provisions of this ordinance are hereby declared to be severable and if any section, phrase or provision shall be declared or held invalid, each invalidity shall not affect the remainder of the sections, phrases or provisions.

PASSED AND APPROVED this 19th day of July, 2004.