

ORDINANCE NO. 2014-11 - 486

AN ORDINANCE AMENDING THE TONTITOWN MUNICIPAL CODE CHAPTER 93 BY THE ADDITION OF SECTION 93.02, TITLED "OUTDOOR AND OPEN BURNING"; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the Tontitown Municipal Code currently contains no provisions for the regulation of outdoor and open burning within the City of Tontitown, and it is deemed necessary and desirable that the Code be amended to add such provisions; and

WHEREAS, the lack of standards for the design, construction and installation of fire pits within the City and its Planning Area has resulted in a risk of smoke and/or fire damage to surrounding properties; and

WHEREAS, in order to remedy the problem, it is necessary and desired that standards and specifications be developed for the design, construction and installation of fire pits.

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

Section 1: That Chapter 93 of the Tontitown Municipal Code is amended by the addition of the following section, to be numbered "93.02" and titled "Outdoor and Open Burning," which shall read as follows:

"§ 93.02 Outdoor and open burning within the City of Tontitown and its planning area is prohibited excepted as provided herein:

- (A) Outdoor and open burning may be allowed upon the issuance of a permit. Said permit may be issued by the City Recorder's office upon the satisfaction of the Fire Chief, or his designated representative, and endorsement upon the face of the permit. All applications for a permit are subject to the adherence to all provisions of the Tontitown Municipal Code:
 - (1) Outdoor burning means open burning or burning in an outdoor fireplace, fire pit, or patio wood burning unit.
 - (2) Open burning means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

- (B) All open and outdoor burning is subject to the following:
 - (1) All burning shall be conducted after dawn and extinguished before dusk;

- (2) No burning shall take place on land without written permission of the land owner or agent;
- (3) No burning shall be conducted on days when the wind speeds are exceeding 15 miles per hour;
- (4) The Fire Chief may prohibit any fires when circumstances may be hazardous;
- (5) No burning shall be kindled or maintained within 50 feet of any combustible structure;
- (6) Fire shall be under constant attendance until extinguished;
- (7) All persons conducting burning shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire;
- (8) Material being burned shall not, under any condition, cause a dense smoke or odor;
- (9) Applicant shall be responsible to keep burning under control at all times. The applicant shall be responsible for fire department suppression costs, as well as any property damages sustained by others;
- (10) No materials may be burned upon any street, curb, gutter or sidewalk;
- (11) The outdoor and open burning of the following items is prohibited and no permit shall issue for the same:
 - (a) Garbage from food preparation;
 - (b) Treated, milled or dimensional lumber;
 - (c) Trade waste (commercial, industrial, or construction);
 - (d) Motor vehicles or any material resulting from a salvage operation;
 - (e) Asphalt, composition roofing or similar materials;
 - (f) Tar, tar paper, petroleum products, plastics or paints;
 - (g) Insulated wire;
 - (h) Dead animals or animal waste;
 - (i) Hazardous or pathogenic waste; and
 - (j) The burning of any items prohibited under state or federal laws.

(C) Fire pits may be used for recreational, ceremonial, or cooking purposes without the requirement of a burn permit. However, only untreated wood and wood products and other products designed for such use, may be used as fuel.

- (1) Fire pit shall mean a pit dug into the ground or a freestanding vessel, whether manufactured or constructed, in which a contained outdoor fire is made. A fire pit shall not exceed six feet (6') in diameter (outside to outside measurement), must be used in accordance with

manufacturer's instructions (if any), and shall not be used within fifteen feet (15') of any structure or flammable material(s).

- (2) Each fire pit shall meet the regulations established by the Fire Department and shall be approved by the Fire Chief, or his designee, before the use of any fire pit shall be allowed under this Code.
- (3) The Fire Department shall promulgate such rules and regulations as are deemed necessary and appropriate for control and monitoring of fire pit use. A copy of such rules and regulations shall be filed with the City Clerk.

(D) This ordinance does not apply to the following:

- (1) Grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2) Burning for the purpose of generating heat in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation.
- (3) The use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction, or maintenance activities.
- (4) Burning caused or permitted by any public officer, board, council, or commission when the burning is caused or permitted in furtherance of the duties of that public officer, board, council, or commission.
- (5) Burning pursuant to road construction operations.

Section 2. Emergency. The City Council of the City of Tontitown, Arkansas, has determined that an emergency is hereby found to exist and this Ordinance, being necessary for the preservation of the public peace, health, and safety, shall be in full force and effect from and after its passage, approval, and publication.

PASSED AND APPROVED this 4th day of November, 2014.



JACK BECKFORD, Mayor

ATTEST:



ALICIA COLLINS, Recorder



Tontitown Fire Department
Chief Kristopher Arthur
479-361-2700
141 Zulpo Street
Springdale, AR 72762

BURN PERMIT

Must be obtained before burning is started.

Acceptance of Burning Regulations and Release of Liability

The following shall be adhered to at ALL times-

1. All burning shall be conducted after dawn and extinguished before dusk.
2. No burning shall take place on land without written permission of the land owner or agent.
3. No burning shall be conducted on days when the wind speeds are exceeding 15 miles per hour.
4. The Fire Chief may prohibit any fires when circumstances may be hazardous.
5. No burning shall be kindled or maintained within 50 feet of any combustible structure.
6. Fire shall be under constant attendance until extinguished.
7. Water supply shall be present for extinguishment of burn area.
8. Material being burned shall not, under any condition, cause a dense smoke or odor.
9. Applicant shall be responsible to keep burning under control at all times. The applicant shall be responsible for fire department suppression costs as well as any property damages sustained by others.
10. The following items shall NOT be burned:
 - Garbage from food preparation
 - Treated, milled or dimensional lumber
 - Trade waste (commercial, industrial, or construction)
 - Motor vehicles or any material resulting from a salvage operation
 - Asphalt, composition roofing or similar materials
 - Tar, tar paper, petroleum products, plastics or paints
 - Insulated wire
 - Dead animals or animal waste
 - Hazardous or pathogenic waste
 - Any items that fall under State or Federal Laws

I agree to the terms outlined above and shall not hold the City of Tontitown liable for any damage done by any fire started or conducted by me or my designee. Please have a copy of this permit with you when you are burning.

Name: _____ Date of Burn: _____ to _____

Address of Burn: _____

Phone Number: _____ Signature: _____

Office Use Only

Permit Number: _____ Dates Authorized to Burn: _____ to _____

Authorized By: _____