

ORDINANCE NO. 585

AN ORDINANCE WHICH SHALL ESTABLISH
A STANDARD FOR THE REGULATION AND
PERMITTING OF OPEN BURNING.

WHEREAS, BE IT ORDAINED by the City Commission of the City of Etowah, Tennessee:

SECTION 1. The existing Chapter 2 of Title 7, Fire Code of the Etowah Municipal Code, is hereby amended by adding new sections: which shall establish a standard for the regulation and permitting of open burning:

- 7-202. After the effective date of these regulations, no person shall cause, suffer, allow, or permit open burning of any kind except as specifically permitted herein.
- 7-203. Open burning, as described in this section, may not be conducted without permits. Fires used for cooking food, fires for ceremonial or recreational purposes, including barbecues and outdoor fireplaces, and fires set for the training and instruction of firefighters, do not need a permit. This grant of exemption shall in no way relieve the person from the consequences, damages, or claims resulting from such burning. This exception does not relieve the person of the responsibility of using fire-safe practices nor from getting a permit from any other agency that may require such.
- 7-204. Open burning shall be allowed inside the corporate limits of the city only when a valid permit has been obtained from the fire department. Open burning of leaves, yard waste, refuse, or trash shall not be permitted in the city, and permits shall not be issued for such activities. Prior to any other open burning, including disposal of construction debris or land clearing, the person requesting the permit shall be certain that no detriment to the public health or damage to the land, water or air will be caused. The following conditions shall always be met:
1. Open burning shall be between the hours of 9:00 a.m. and 3:00 p.m.
 2. All fires shall be completely extinguished by 4:00 p.m.
 3. All fires must be attended to and under the direct supervision at all times of a person or persons that have sufficient capability and equipment to provide for complete extinguishment of the fire as needed.
 4. Prevailing winds at the time of ignition must be away from any dwelling, structure, major highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other air contaminants from burning.

5. Asphaltic material, or items containing natural or synthetic rubber, shall not be burned or used to ignite the material to be burned or to promote the burning of such material.
 6. No burning shall be permitted within thirty feet of any structure or dwelling.
- 7.205. To obtain a permit required by this chapter, the applicant shall file an application with the fire department on the forms prescribed by the department. No fee shall be required to obtain an open burning permit. All permits issued shall be displayed while the open burning is in progress. The fire department shall have the authority to forbid, restrict, or suspend any and all burning when the Fire Chief or the senior fire officer in charge has determined that conditions are unfavorable or hazardous for outdoor fires.

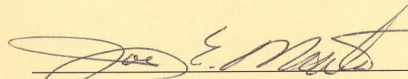
SECTION 2. Each section, subsection, paragraph, sentence, and clause of this Ordinance is hereby declared to be separable and severable. The validity of any section, subsection, paragraph, sentence, or clause shall not effect the validity of any other portion of this Ordinance, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted herefrom.

SECTION 3. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

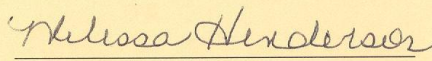
SECTION 4. BE IT FURTHER ORDAINED that this ordinance shall take effect ten (10) days from and after its passage, the public welfare requiring it.

Passed first reading: 11-22-99

Passed second and final reading: 12-13-99

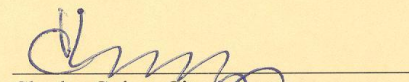


Joe E. Moates, Mayor



Melissa Henderson
City Recorder

Approved as to form:



Charles Guinn, City Attorney