

ORDINANCE NO. 2007-01

**AN ORDINANCE GOVERNING OPEN BURNING; IDENTIFYING VIOLATIONS;  
ESTABLISHING PENALTIES AND SETTING GUIDELINES FOR SAFE BURNING**

The City Council of Perryville considers it to be in the best interest of the citizens of Perryville to regulate open burning within the City limits.

**Section 1**

**General Prohibition**

Reference Section 18.602 of the State Code

No person shall cause or permit the open burning of refuse, garbage, trade waste, or other waste material, or shall conduct a salvage operation by open burning.

**Section 2**

**Exemptions**

Reference Section 18.603 of the State Code

- (A) Fires used for the non-commercial cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor fireplaces used in connection with any residence;
- (B) Open burning related to agricultural activities including, but not limited to, clearing previously uncultivated lands and burning of stubble and other debris on previously harvested fields; provided however, that this exemption shall not be extended to the disposal, by open burning of waste products generated by cotton gins, or similar equipment used in a manufacturing process or to the disposal by open burning of fowls or animals.
- (C) Controlled fires used only for purposes of on-site land clearing operations.
- (D) Yard waste at your home including limbs, leaves and grass clippings.

**Section 3**

**Other Prohibitions**

Reference Section 18.801 of the State Code.

No person shall cause or permit the emission of air contaminants, including odors or water vapor and including an air contaminant whose emission is not otherwise prohibited by this ordinance, if the emission of the air contaminant constitutes air pollution.

**Section 4**  
**Burning Permits**

The City of Perryville requires that all open burns be reported to the Perryville Fire Chief in writing. The Fire Chief or his representative will make certain that the open burn will be conducted in a safe manner and notify the applicant of their decision before burning can proceed.

The applicant must also follow Section 18.605 and contact the Arkansas Department of Environmental Quality and obtain their permission.

**Section 5**  
**Penalties**

The City of Perryville may institute action in any court of competent jurisdiction to accomplish any or all of the following:

- 1) Recover all costs, expenses, and damages to the City property or equipment used in the control of said open burn or in the enforcement of this ordinance.
- 2) Assess penalties in an amount of not less than \$150.00 and not more than \$500.00 for violations of this ordinance. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.
- 3) Any person who violates any provision of this ordinance may be assessed an administrative penalty not to exceed \$500.00 per violation. Each day of a continuing violation may be deemed a separate violation for purposes of penalty assessment.

Reference Section 8-4-103 of the State Code for penalties that may be assessed by ADEQ.

**Section 6**  
**Other Requirements**

The following will be strictly enforced. Failure to comply will result in the revocation of the burning permit and possible civil penalties.

- 1) No open burning allowed within 50 feet of any structure.
- 2) A responsible adult must be present at all times during burning.
- 3) No burning is allowed before sunrise.
- 4) All fires must be totally extinguished before sunset.

- 5) No burning of any type petroleum products (plastic, rubber, roofing, or flammable liquids) is allowed.
- 6) No burning of processed wood (furniture, lumber, etc.) or paper products is allowed.
- 7) No permits will be issued for burning in a manufactured-home community (trailer park, RV park, etc.).
- 8) No burning is allowed on public grounds (i.e. alleys, ditches, or streets).
- 9) If you are burning in an approved incinerator, it must be at least 15 feet from any structure or hazard. This type of burning also requires a permit. An incinerator made of masonry may not be larger than 10 feet by 10 feet and must be covered with a wire mesh with no larger than 1-inch holes, A metal drum may also be used and a top is required.
- 10) Commercial burn permits are issued only after an inspection has been made by the Fire Chief or his representative to evaluate the request.
- 11) The Mayor, Fire Chief, Fire Commissioner or Police Chief may prohibit any or all burning when atmospheric or local conditions make such burning a hazard.

**Section 7**  
**Severability**

If for any reason any portion or this Ordinance by held invalid, such invalidity shall in no way affect the remaining portions hereof which are valid, but such valid portions shall be and remain in full force and effect.

**Section 8**

All ordinances or parts of ordinances in conflict with this ordinance herewith are hereby repealed.

**Section 9**

It being necessary for the efficient operation of the municipal government of the City of Perryville now therefore an emergency is hereby declared to exist and this ordinance being necessary for the preservation of the public peace, health, and safety, shall take effect and be in force from and after its passage and approval.

PASSED ON THIS 10 DAY OF MAY IN THE YEAR OF 2007 BY A  
VOTE OF 5 YES 0 NO

  
MAYOR

  
TREASURER/RECORDER