

ORDINANCE NO. 31 OF 2007
Open Burning Ordinance

**AN ORDINANCE ADOPTING REGULATIONS FOR OPEN BURNING;
DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES**

WHEREAS, the City of Benton, Arkansas has a responsibility to regulate open burning in order to protect the health and welfare of the citizens of Benton; and

WHEREAS, it is necessary to establish regulations for open burning within the city of Benton.

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BENTON, ARKANSAS:

SECTION 1. Unless otherwise provided for herein, prior to the kindling of a fire for the purpose of silvicultural, range or wildlife management practices, prevention or control of disease or pests or for a bonfire, the person desiring to start such a fire shall first obtain a permit from the Central Fire Station during normal business hours. The application for a permit must be made by the owner or an occupant of the property where the proposed fire will occur. There shall not be a fee charged for the issuance of a permit. The permit shall state the date for which the fire shall be allowed.

SECTION 2. It will not be necessary for an individual property owner or occupant to obtain a burning permit for the open burning of residential yard waste subject to the following:

1. Burning shall not occur on excessively windy or dry days or when a burn ban is in effect.
2. Burning shall not take place under power, telephone or television cable lines.
3. The location for an open burning shall not be less than fifty (50) feet from any structure. Provision shall be made to control the fire to prevent it from spreading within fifty (50) feet of any structure. However, an open fire may be maintained a minimum of twenty-five (25) feet from a structure if the pile size is three feet (3') or less in diameter and two (2) feet (2') or less in height.
4. Only vegetative waste, small tree limbs, leaves or garden waste may be burned.
5. The fire must be attended at all times until it is fully extinguished.
6. A rake, water hose, one portable fire extinguisher with a minimum of a 4A rating or other fire extinguishing equipment must be within a reasonable distance from the fire.

7. Ceremonial fires must be no larger than five feet by five feet by five feet (5' x 5' x 5')
8. Burn piles 10 feet by 10 feet by 5 feet (10' x 10' x 5') will require a burning permit as provided in Section 1.
9. Fires may only occur between the hours of 7:00 a.m. and dark. All outdoor fires must be extinguished by dark unless otherwise provided for by permit.
10. A fire which causes heavy smoke, odor or a hazardous condition may be required to be extinguished immediately.
11. Fires may be maintained in containers approved by the Benton Fire Department that are not less than fifteen (15) feet from a structure.

SECTION 3. Persons possessing a building permit may at the construction site allow workers to maintain an open fire inside a metal drum for heating purposes only. Such a fire will be built using waste lumber only. The safety guidelines stated in Section 2 will be followed with respect to such a fire.

SECTION 4: Any person maintaining a fire, whether authorized by permit or not, shall extinguish the fire immediately if directed to do so by either an officer with the Benton Fire Department, Benton Police Department, Benton Code Enforcement Officer or an authorized employee of the Benton Utility Department.

SECTION 5. Corrective actions. If the owner or occupant shall neglect or refuse to immediately extinguish the fire, the City is authorized to do whatever is necessary to correct the condition and to charge the cost thereof to the owner or occupant for the cost of so doing.

SECTION 6. Penalty provisions. The city shall first attempt to educate the violator with respect to fire safety and the contents of this Ordinance before issuing a citation for a violation of this Ordinance. If a person refuses to abide by a request to extinguish a fire or repeats the same violation within a six (6) month time period, a citation may be issued to a person in violation of this ordinance which shall be a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00) and not less than One Hundred and Fifty Dollars (\$150.00).

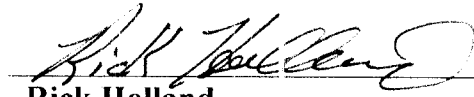
SECTION 7. All ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent only of such conflict. This Ordinance repeals Ordinance 1 of 1993.

SECTION 8. Validity. If any portion of this ordinance is determined to be invalid, such determination shall not affect the validity of the remainder of this ordinance.

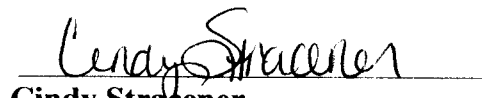
SECTION 9: It is hereby found and determined that the immediate passage of this Ordinance is necessary for the immediate regulation of open burning and being necessary for the immediate preservation of the public health, safety and welfare; THEREFORE, an

emergency is hereby declared to exist and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED and APPROVED this the 23 day of April, 2007.


Rick Holland
Mayor

Attest:


Cindy Stracener
City Clerk

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STATE OF ARKANSAS }
County of Saline } ss

I, Christy Rhoades do solemnly swear that I am Legal Advertising Clerk of The Benton Courier, a daily newspaper printed in said county and that I was such at the date of publication hereinafter stated, and that said newspaper had a bona fide circulation in such county at said dates, and has been regularly published in said county for a period of 131 years next before the date of the first publications of the advertisement hereto annexed, and that said advertisement was published in said newspaper 1 times for 1 issues, the first insertion therein having been made on 5/11/07, and the last insertion on 5/11/07.

Christy Rhoades
Legal Advertising Clerk

Sworn to and subscribed before me on

5/31/07

Mary E. Bloomquist
Notary Public

My commission expires 8/22/16



FEE FOR PRINTING

\$ 280.-

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THE BENTON COURIER

By _____

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