

ORDINANCE NO. 2-06

**AN ORDINANCE REGULATING OPEN OUTDOOR BURNING.**

**WHEREAS**, it has been brought to the attention of the City Council of Diamond City, Arkansas a need to regulate open outdoor burning and other types of fire, or during a burn ban.

**NOW THEREFORE, BE IT ORDAINED, THAT:**

**SECTION 1.** Definition:

1. Open outdoor burning; fire pit, fire ring, burn barrel, camp fire, or control fire on the ground.
2. Dozer deck; clearing of trees and vegetation from a lot or private land, into a pile for burning.
3. Burn ban: no open outdoor burning at all.

**SECTION 2.** No person should kindle or maintain any fire, or authorize any fire to be kindled or maintained on any private land unless:

1. The location of said fire is greater than twenty five (25) feet away from any structure and adequate provision is made to prevent said fire from spreading to within twenty five (25) feet of any structure; or
2. The fire contained in a burn barrel or approved fire pit which is located safely, and greater than fifteen (15) feet from any structure; or
3. The area around a dozer deck on an undeveloped lot, or private land, must be cleared of all trees and brush and other combustibles for a distance of twenty five (25) feet on all sides.

**SECTION 3.** Fire must be constantly attended by a competent person until such fire is extinguished. This person must have a garden hose connected to a pressurized water supply, or other fire extinguishing equipment available for use.

**SECTION 4.** The Fire Chief of the Diamond City Fire Association may prohibit any or all fires when atmospheric conditions or local circumstance make such fires hazardous. At this time the Fire Chief has the authority to issue a burn ban. No open outdoor burning allowed.

**SECTION 5.** Any open outdoor burn in violation of a burning ban, as authorized by this ordinance, shall constitute a nuisance, and the Fire Department of Diamond City shall have the authority to use reasonable means to extinguish the burn, The Fire Department is authorized to collect from the person responsible for the burn reasonable suppression cost.

**SECTION 6.** No burning of household trash that emits a toxic, hazardous , or foul smelling smoke.

**SECTION 7.** Exceptions:

1. For the purpose of this ordinance, fires in a outdoor grill, braziers or barbeque grills shall be exempt from the above regulation.

**SECTION 8. Wavier:**

1. Any person wanting to engage in open burning in Diamond city during a period of time which a ban on burning is issued may make application for a burn ban waiver to the Fire Chief, or his designee. The application shall contain specific information setting forth the location and duration of the desired burn. The applicant for a wavier shall provide to the Fire Chief, or his designee, evidence of measures taken to reduce the risk of the fire danger and shall affirm that the burn will be attended at all times by a competent person. Upon review of, and being satisfied with, the measures to reduce the risk of fire danger, the Fire Chief, or his designee, may approve the application for a wavier.

2. No liability shall be placed upon the Diamond City Fire Department, the Fire Chief, or the Fire Chief's designee, for actions taken in writing or, approving a waiver from a burn ban on burning.

3. Permits are available from Diamond City Fire Department for outdoor burning of less than twenty five (25) feet from a structure, for the purpose of burning grass lawns in the spring,

**SECTION 9. Penalties:**

1. Any person responsible for an open outdoor burn in violation of a burn ban as authorized by this ordinance shall be fined not less than one hundred dollars (~~\$100.00~~) nor more than three hundred dollars (\$300.00). Any law enforcement officer shall have the authority to issue a citation for burning in violation of this ordinance.

**SECTION 10.** All ordinance or parts of ordinances in conflict with this ordinance are hereby repealed.

**SECTION 11.** The Diamond City Council declares an emergency to exist for the health and safety of Diamond City, and to pass this ordinance under an emergency clause.

ADOPTED BY A VOTE OF 4 YEAS, 2 NAYS AND  
ABSENT THIS 20 DAY OF March, 2016

**CITY OF DIAMOND CITY, ARKANSAS**

**APPROVED:**

  
Troy Burleson, Mayor

**ATTEST:**

  
Sandy Beaver, Recorder