

ORDINANCE NO. 512

**OUTDOOR AND OPEN BURNING ORDINANCE
FOR THE CITY OF SATSUMA**

BE ORDAINED BY THE CITY COUNCIL OF THE CITY OF SATSUMA, ALABAMA, as follows:

WHEREAS, the City Council of the City of Satsuma, Alabama (the “City Council”), in order to promote the health, safety, and general welfare of the citizens of the City of Satsuma, desires to regulate outdoor and open burning in the City of Satsuma, Alabama (the “City”).

NOW THEREFORE, BE IT RESOLVED as follows:

Section 1: Purpose. The purpose of this ordinance is to promote the health, safety, and general welfare of the citizens of the City by regulation the air pollution and fire hazards associated with open and outdoor burnings.

Section 2: Applicability. This ordinance applies to all outdoor burning and open burning within the City, except as otherwise specifically provided.

Section 2.1. This ordinance does not apply to outdoor grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.

Section 2.2. This ordinance does not apply to 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.

Section 2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction or maintenance activities.

Section 3: Definitions.

Section 3.1. “Bonfire” means a large open-air fire used as part of a celebration or event.

Section 3.2. “Campfire” means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

Section 3.3. “Clean wood” means natural wood that: (a) has not been painted, varnished or coated with similar materials; (b) has not been pressure treated with preservatives; and (c) does not contain resins or glues as in plywood or other composite wood products.

Section 3.4. “Fire Chief” means the Chief of the Satsuma Fire Rescue Department or other person designated by the Fire Chief.

Section 3.5. “Nuisance” means materials that, when burned, create a foul or offensive odor, or which cause smoke emissions that are reasonably offensive to occupants of surrounding property.

Section 3.6. “Outdoor burning” means open burning or burning in an outdoor wood-fired broiler or patio wood burning unit.

Section 3.7. “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.

Section 3.8. “Outdoor wood-fired broiler” means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

Section 3.9. “Patio wood-burning unit” means a chimnea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

Section 3.10. “Prescribed burning” means the burning, in compliance with a prescription to meet planned fire or land management objectives, of a continuous cover of fuels.

Section 3.11. A “prescription” means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.

Section 3.12. Refuse” means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

Section 4: **General Prohibition on Open Burning and Outdoor Burning.** Open burning and outdoor burning are prohibited in the City or within the police jurisdiction of the City limits, unless specifically permitted by this ordinance.

Section 5: **Open Burning of Refuse.** Open burning of refuse is prohibited in the City or within the police jurisdiction of the City limits.

Section 6: **Open Burning of Leaves and Grass Clippings.** Open burning of grass clippings and leaves is prohibited in the City or within the police jurisdiction of the City limits.

Section 7: **Open Burning of Trees, Logs, Brush, and Stumps.** Open burning of trees, logs, brush, and stumps is allowed in the City or within the police jurisdiction of the City limits only in accordance with all of the following provisions:

Section 7.1. Except for outdoor campfires, a written permit issued in accordance with Section 13 of this ordinance must be obtained prior to open burning under this Section 7.

Section 7.2. No open burning for the purpose of a bonfire shall be permitted without first obtaining a written permit issued in accordance with Section 13.

Section 7.3. No open burning for the purpose of clearing or cleaning any field, wooded area, or any other lot or land, shall be permitted without first obtaining a written permit issued in accordance with Section 13 of this ordinance.

Section 7.4. Outdoor campfires are allowed provided: (a) they do not cause a nuisance; and (b) are located outside of residential developments. It is expressly understood that outdoor campfires in residential developments are strictly prohibited.

Section 7.5. All allowed open burnings shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or visibility hazard on roadways, railroads, or airfields. Open burning shall be conducted in accordance with all local and state fire protection regulations.

Section 7.6. Except as provided for in Section 7.7 of this ordinance, all allowed open burnings shall be constantly attended and supervised by at least one (1) competent person of at least nineteen (19) years of age until the fire is extinguished. The competent person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishing of the fire.

Section 7.7. Notwithstanding anything to the contrary herein contained, all allowed open burnings for the purpose of a bonfire shall be constantly attended and supervised by at least two (2) competent persons, each of whom shall be at least nineteen (19) years of age, until the fire is extinguished. The competent persons shall have readily available for use such fire extinguishing equipment as may be necessary for the total control and extinguishing of the fire.

Section 7.8. Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken: (a) during periods when the Governor of the State of Alabama has issued a burning ban applicable to the area; (b) during periods when the Alabama Department of Environmental Management, or other state agency, has declared an air quality action day/ozone advisory applicable to the City; (c) during periods when the Fire Inspector determines, in his or her sole discretion, that conditions are such that any open burning would create a smoke or fire hazard; (d) during periods when the City Inspector determines, in his or her sole discretion, that conditions are such that any open burning would create a smoke or fire hazard; or (e) during periods when the Mayor of the City determines, in his or her sole discretion, that conditions are such that any open burning would create a smoke or fire hazard.

Section 7.9. Except for barbecue, gas and charcoal grills, no burning shall be undertaken with 25 feet from any flammable structure, exterior window opening, exit access or exit, or vegetation, unless authorized by the Fire Chief or City Inspector.

Section 7.10. No open burning of trees, logs, brush, or stumps is allowed upon any street, curb, gutter, sidewalk, lake, pond, stream, or body of water in the City or within the police jurisdiction of the City limits.

Section 8. Prescribed Burns. Prescribed burns are generally regulated by State law or regulations, and any prescribed burn shall be conducted in conformance with all applicable State laws and regulations.

Section 9. Agricultural burning. Open burning of weeds, brush, and crop stubble on agricultural land is allowed if conducted in accordance with other applicable provisions of this ordinance.

Section 10. Outdoor Wood-Fired Boilers. No person shall install, use, or maintain an outdoor wood-fired boiler in the City or within the police jurisdiction of the City limits.

Section 11. Patio Wood-Burning Units. A patio wood-burning unit may be installed and used in the City or within the police jurisdiction of the City limits only in accordance with all of the following provisions.

Section 11.1. The patio wood-burning unit shall not be used to burn refuse.

Section 11.2. The patio wood-burning unit shall burn only clean wood.

Section 11.3. The patio wood-burning unit shall be located at least 25 feet from the nearest structure which is not on the same property as the patio wood-burning unit.

Section 11.4. The patio wood-burning unit shall not cause a nuisance.

Section 12. Burning Permits.

Section 12.1. No person shall start or maintain any outdoor burning or open burning permitted under this ordinance without a burning permit issued by the Satsuma Fire Rescue Department.

Section 12.2. Except as provided for in Section 12.3 of this ordinance, a burning permit issued under Section 7 of this ordinance (for the burning of trees, logs, brush or stumps) shall expire thirty (30) days from the issuance of the permit. The City shall not charge a fee for a burning permit issued under this Section 12.2.

Section 12.3. Notwithstanding anything to the contrary herein contained, a burning permit issued under Section 7.2 (for bonfires) shall be for a one-time burning event on the date specified in the permit. The City shall not charge a fee for a burning permit issued under

this Section 12.3.

Section 12.4. An outdoor campfire does not require a permit, provided that the fire complies with all other applicable provisions of this ordinance.

Section 12.5. When weather conditions warrant, the Fire Chief, City Inspector and/or Mayor of the City may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.

Section 12.6. A burn permit issued under this Section 12 shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.

Section 12.7. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

Section 13. Liability. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability from damage caused by the fire.

Section 14. Right of Entry and Inspection. The Fire Chief, the City Inspector, or any authorized officer, agent, employee or representative of the City may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

Section 15. Penalties. Any person violating any of the provision of this ordinance shall be guilty of a misdemeanor and upon conviction shall be fined as follows:

- (a) The first violation shall result in a minimum fine of ONE HUNDRED DOLLARS (\$100.00) and maximum fine of FIVE HUNDRED DOLLARS (\$500.00), at the discretion of the Municipal Court Judge;
- (b) The second violation within an consecutive 18-month period shall result in a minimum fine of TWO HUNDRED AND FIFTY DOLLARS (\$250.00) and maximum fine of FIVE HUNDRED DOLLARS (\$500.00), at the discretion of the Municipal Court Judge;
- (c) The third violation, or any violation subsequent to the third violation, within a consecutive 18-month period shall result in a mandatory fine of FIVE HUNDRED DOLLARS (\$500.00).

Section 16. Effective Date. This Ordinance shall become effective _____, 2014, after its adoption and publication as required by law.

ADOPTED this _____ day of _____, 2014.

MAYOR

Authenticated and Attested:

CITY CLERK