

ORDINANCE NO. _____

An Ordinance to amend Title 7, Chapter 6, of the Crossville Municipal Code pertaining to open burning.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CROSSVILLE, TENNESSEE AS FOLLOWS:

SECTION I That Title 7, Chapter 6, be deleted in its entirety and replaced with the following:

§ 7-601 PURPOSE.

The purpose of this chapter is to regulate certain open burning in order to protect the public from the hazards of uncontrolled fires and pollution. This chapter will not relieve the person who will be burning from complying with T.C.A. §§ 39-14-305; 39-14-401; 68-102-146; and 68-211-101 et seq.

§ 7-602 DEFINITION OF TERMS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AUTHORITY HAVING JURISDICTION. The organization, agency, office, department or individual responsible for approval or enforcement.

OPEN BURNING. "Open Burning" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack. Open burning includes, but is not limited to, fires located or burning in a pile on the ground, a barrel, a fire pit, or other semi-enclosure.

PERMIT. The written authority of the city issued under the authority of this chapter.

PERSON. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent, or assigns

WOOD WASTE is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose "disposition" by open burning is to solely get rid of or destroy. Plant life of a herbaceous nature, such as leaves, whether attached, fallen, and/or collected, evergreen needles, and grasses, are not considered "wood waste". Additionally, manufactured lumber products, such as plywood, fiberboard, particleboard, and paneling, are not considered "wood waste". Painted or artificially stained wood is not considered "wood waste".

§ 7-603 STANDARDS FOR OPEN BURNING.

Open burning, as listed below, may be conducted subject to specified limitations. This shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.

It shall be unlawful for any person, as defined herein, to conduct an open burn within the corporate limits of the city without a permit.

(A) No person shall willfully start or cause to be started any open fire within the corporate limits of the city without first obtaining a burn permit from the city.

(B) Prevailing winds at the time of ignition must be away from any dwelling, structure, highway or other populated area, the ambient air of which may be significantly affected by smoke, fly ash or other contaminants from burning.

(C) Burning shall not be initiated when it is determined by the Fire Chief or his or her designee, based on information supplied by the National Weather Service or other competent authority, that stagnant air conditions or inversions exist, or that the conditions may occur during the duration of the burn.

(D) Burning shall not be initiated when it is determined and or announced by the State Fire Marshal that dry, drought, high wind or other hazardous conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the city.

(E) Burning shall not be initiated when it is determined and or announced by the Fire Chief or his or her designee that dry, drought, high wind or other hazardous conditions exist to prohibit burning within the corporate limits of the city.

(F) The following items are **NOT** permissible to burn in the Corporate Limits of Crossville or the State of Tennessee:

- Tires and other rubber products
- Vinyl siding and vinyl shingles
- Plastics and other synthetic materials, PVC
- Paper products, cardboard and newspaper
- Asphalt shingles, and other asphalt roofing materials and demolition debris
- Asbestos-containing materials
- Paints, household and agricultural chemicals
- Aerosol cans and food cans
- Treated lumber or items containing natural or synthetic rubber, or materials made with hydrocarbons shall not be burned or used to ignite the material to be burned or to promote the burning of the material
- Building material and construction debris
- Buildings and mobile homes
- Coated wire
- Household trash
- Most vegetation not grown on site

(G) No burning shall be permitted within **50** feet of any structure or dwelling.

(H) 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.

(I) Fires used for cooking of food or for ceremonial, recreational or comfort-heating purposes, including barbecues, campfires, and outdoor fireplaces shall not require a burning permit.

(J) With the exception of permitted bonfires and campfires and items in Line item (I), all fires shall be completely extinguished at least one-half hour before dark.

§ 7-604 PERMITS.

Burn permits will be obtained from the Fire Chief or his or her designee.

(A) Permits issued under this chapter shall be under either one of two classes; **Residential and Commercial:**

(1) **Residential class permits** are for leaves, natural materials, wood waste and vegetation grown on the property of the burn site under three cubic yards and may be issued by the Fire Chief or his or her designee by telephone or online. **Residential class permits** shall be good for one day from 7:00 a.m. to one-half hour prior to sunset.

(2) **Commercial class permits** are for **wood waste materials** in an amount of three or more cubic yards and require a written permit and a site inspection by the Fire Chief or designee. **Commercial permits shall be valid for the calendar**

year of issuance unless specified differently by the Fire Chief or designee; however, permit holder must report each day when burning.

(B) All permits issued under this chapter shall record the name of the person undertaking the burning and with emergency contact information, and shall specify the specific address and area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit and other factors as are necessary to identify the burning which is allowed under the permit.

(C) Burn sites containing three cubic yards or more of material shall be inspected by the Fire Chief or his or her designee prior to the issuance of the written permit.

(D) Permits shall not be issued when it is determined by the Fire Chief or his or her designee, based on information supplied by a competent authority, that stagnant air conditions or inversions exist, or that the conditions may occur during the duration of the burn.

(E) Permits shall not be issued when it is determined or announced by the State Fire Marshal that dry, drought or other conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the city.

(F) Permits shall not be issued when it is determined or announced by the Fire Chief or his or her designee that dry, drought or other hazardous conditions exist to prohibit burning within the corporate limits of the city.

(G) Permits shall not be issued without the approval of the authority having jurisdiction when it has cited the person or designated the burn site as being in violation of federal, state or municipal laws.

(H) The city through the Fire Chief has the authority to revoke a permit and to extinguish a fire for any reason affecting the health, safety or welfare of the city.

(I) The Fire Chief has the authority to provide additional supplemental conditions, written on the permit, when in the best interest of the health, safety and welfare of the city it is required.

§ 7-605 PENALTIES.

Any person violating the provisions of this chapter, or of any permit issued under the authority of this chapter, or any provisions herein, shall be subject to the general penalty provision of this code of ordinances. Each day of violations shall constitute a separate offense. The penalties provided in the section shall be separate and apart and not in lieu of all other civil or criminal penalties which may be imposed under the laws of the state or the city.

SECTION II This ordinance shall take effect upon and after its final date of passage, the public welfare requiring it.

Mayor

Council member

Council member

Council member

Councilmember

ATTEST:

APPROVED AS TO FORM:

City Clerk

City Attorney

Passed 1st Reading: _____

Passed 2nd Reading: _____

Passed 3rd Reading: _____