

ORDINANCE NO. _____

AN ORDINANCE AMENDING NORTH LITTLE ROCK MUNICIPAL CODE CHAPTER 12 (PUBLIC SAFETY), SECTION 3.2.4, TO ADD A SUBSECTION ON OPEN BURNING; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, the City Council of North Little Rock (the "City") regulates Public Safety through North Little Rock Municipal Code ("NLRMC") Chapter 12, adopted November 11, 2013 (Ord. No. 8586), as amended by Ordinance Nos. 8617, 8673 and 8776; and

WHEREAS, the improper burning of materials can create a fire hazard and produce emissions of heavy smoke which may include particulate matter (harmful chemicals, ash, acid vapors, haze and noxious odors) affecting the health and overall wellbeing of the City's residents; and

WHEREAS, the North Little Rock Fire Department ("NLRFD") works diligently with local schools, community service organizations and businesses in bringing awareness of the many dangers presented by uncontrolled fires through its Fire Prevention Education Program; and

WHEREAS, it is appropriate for the City to add restrictions, including permit regulations, on open burning within the City in order to protect the safety and welfare of the public, utilizing fees derived from open burning permits for the benefit of the Department's Fire Prevention Education Program.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NORTH LITTLE ROCK, ARKANSAS:

SECTION 1: That Section 3.2.4 of NLRMC Chapter 12 – Public Safety is hereby amended to *add* the following subsection (C) on open burning:

(C) Open Burning.

(1) *Prohibition, inapplicability.*

(a) No person shall burn any material outdoors that creates a danger to person or property, emits smoke or particles into the air that obscures visibility, constitutes a public nuisance, or otherwise violates the currently adopted Arkansas Fire Prevention Code (*see* Section 3.2.1 above).

(i) The requirements of section (a) above shall apply to all persons without regard to the possession of a burn permit.

- (ii) Any holder of a burn permit who violates section (a) above shall, in addition to all other remedies, forfeit his or her burn permit without refund.
- (b) No person shall burn any material outdoors without a burn permit issued by the Fire Marshal's Office. This prohibition is inapplicable to:
 - (i) The burning of material, other than trash or yard waste, in Outdoor Fireplaces.
 - (ii) The burning of material, other than trash or yard waste, in Recreational Fires.

(2) *Definitions.*

- (a) Bonfire means an outdoor fire that is larger than a Recreational Fire and not contained within an Outdoor Fireplace. Bonfires are only allowed by a permit which shall have a duration of 8 hours or less.
- (b) Commercial Burning means open burning of natural vegetation in conjunction with land clearing or other commercial purposes. Commercial Burning is only allowed by a permit which shall have a duration of thirty (30) days or less.
- (c) Outdoor Fireplace means a structure made of steel, concrete, clay or other noncombustible material and includes any portable fireplace that is open in design or equipped with a small hearth opening and chimney.
- (d) Recreational Fire means an outdoor fire that is and smaller than 3 feet in diameter when measured at the widest point and 2 feet or less in height and not contained within an Outdoor Fireplace.

(3) *Permits.*

- (a) Issuance. The Fire Marshal may issue permits that authorize outdoor burning, according to the rate specified below:

Commercial Burn Permits (30-day period)	\$ 200.00
Bonfire Permits (8-hour period)	\$ 10.00
All Other Burn Permits (3-day period)	\$ 25.00

- (b) Permit conditions.
 - (i) The Fire Marshal may deny, revoke or suspend any permit based upon undue risk of fire hazard.

- (ii) The Fire Marshal may impose such conditions on any permit as the Fire Marshal may deem necessary to protect against fire hazard.
- (iii) Any determination of the Fire Marshal may be appealed in the manner described in Section 3.2.8.

Ref. – See International Fire Code Commentary Section 307 and 105.6.30, 105.6.31 and 105.6.32.

SECTION 2: That revenues generated by the issuance of Burn Permits will be segregated by the NLRFD from other fee receipts and utilized for its Fire Prevention Education Program.

SECTION 3: That all ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict.

SECTION 4: That the provisions of this Ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, such invalidity shall not affect the remainder of the sections, phrases or provisions.

SECTION 5: That unregulated open burning of land and debris within the City is extremely hazardous to the health and welfare of the public and their property such that additional regulation is 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.

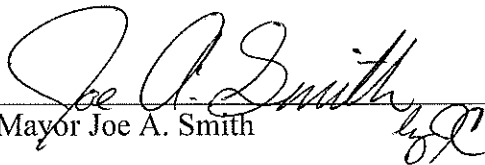
PASSED:

APPROVED:

Mayor Joe A. Smith

SPONSOR:

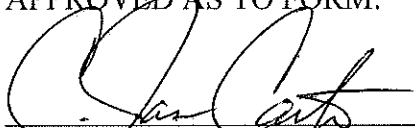
ATTEST:



 Mayor Joe A. Smith

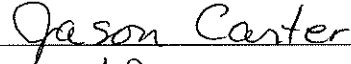
Diane Whitbey, City Clerk

APPROVED AS TO FORM:



 C. Jason Carter, City Attorney

PREPARED BY THE OFFICE OF THE CITY ATTORNEY/b

FILED	11:00 A.M.	_____ P.M.
By		
DATE	10-17-17	
Diane Whitbey, City Clerk and Collector North Little Rock, Arkansas		
RECEIVED BY	