

AN ORDINANCE TO REGULATE OPEN BURNING IN THE CITY OF DADEVILLE
BE IT ORDAINED by the City Council of the City of Dadeville
Alabama as follows:

Section 1. Purpose - This ordinance is enacted to protect, preserve, and promote the health, safety, welfare, and peace of the citizens of Dadeville, Alabama, through the control of open burning. It is the intent of this ordinance to establish standards that will control open burning so that it will comply with all applicable state regulations and will not be detrimental to individuals and the community in the enjoyment of life, property and conduct of business.

Section 2. Open Burning Standards

A. No person shall kindle or maintain any open fire at any location or time in the City of Dadeville, except for the following purposes:

1. Open fires for the cooking of food for human consumption;
2. Fires for recreational or ceremonial purposes;
3. Fires to abate a fire hazard, providing the hazard is so declared by the fire department;
4. Fires for prevention or control of disease or pests;
5. Fires for training personnel in the methods of fighting fires;
6. Fires for the disposal of dangerous materials where there is no practical alternate method of disposal and burning is approved by the Director of ADEM;
7. Fires set for recognized agricultural, range and wildlife management practices;
8. Fires set in devices used by construction or other workers for heating purposes;
9. Fires for the burning of trees, brush, grass, and other vegetable matter in the clearing and maintenance of right-of-way if such burning is done by the air-curtain incinerator method, properly constructed and maintained;
10. Open Fires specifically or expressly approved by the Director of the Department of Environmental Management.

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B. Fires for any other purposes may only be conducted if the open burning meets the following criteria:

1. The location of the burning must be at least 500 feet from the nearest dwelling other than a dwelling located on the property on which the burning is conducted.

2. Only untreated wood and vegetation may be open burned. Some of the materials that may not be burned heavy oils, paint, asphaltic materials, rubber, rubber tires, plastic, refuse.

3. No fire may be started or combustible material added to the fire except during the period from 8 a.m. to 5 p.m.

4. The fire shall be attended at all times. There shall be a hose connected to a water supply or other extinguishing equipment readily available for use.

5. No burning shall be conducted under a current air stagnation advisory issued by the National Weather Service or during a "Drought Emergency" declared by the Governor. A "no burn" period declared by Alabama Forestry Commission.

Section 3. Cessation of open Burning - The City of Dadeville Mayor or Fire Chief may halt any open burning if it creates a danger or serious nuisance for individuals or property.

Section 4. Severability - If any section, sentence, paragraph, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or validity shall not affect the remaining portions of this ordinance and it shall be construed to have been the intent of the City Council of the City of Dadeville to pass this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance shall be deemed and held to be valid as if such parts had not been included herein.

Section 5. Penalties for violation of article. Any person who shall violate any provision of this article or who shall do any act made unlawful by this article shall, upon conviction, be punished by imprisonment for not more than six months or by a fine of not more than two hundred dollars or by both such fine and imprisonment, in the discretion of the judge.

Section 6. Effective Date - This ordinance shall become effective upon approval by the Mayor or upon its otherwise becoming law, but shall nevertheless be published as required by law.

ADOPTED AND APPROVED BY THE City Council of the City of Dadeville, Alabama, this the 13th day of May, 1991.

Goulard
MAYOR

ATTESTED:

Ann McKeen
CITY CLERK

Run in legal section 1 time
Filed to: City of Dadeville