ORDINANCE NO. 2022-29

AN ORDINANCE AMMENDING THE DEFINING AND LIMITING CONDITIONS FOR OPEN BURNING WITHIN THE CITY LIMITS OF THE CITY OF BRYANT; PROVIDING FOR ENFORCEMENT; AND FOR OTHER PURPOSES

WHEREAS, the City of Bryant has established an ordinance to define and limit conditions for open burning within the City of Bryant via Ordinance 2020-22 duly adopted by the City Council; and

WHEREAS, the City of Bryant wishes to amend the current ordinance 2020-22 in its entirety as noted below.

THEREFORE, BE IT ORDAINED, BY THE CITY COUNCIL OF THE CITY OF BRYANT, ARKANSAS THAT:

Section 1. Permissible Burning

A. Yard Waste Abatement

In accordance with Arkansas Code Annotated § 8-6-1703 (d), instances of open burning of yard waste by residents are expressly discouraged. For the purpose of open burning, "yard waste" shall be defined as grass clippings, leaves, tree limbs, and shrubbery trimmings collected by a resident or property owner from all property types recognized by the City of Bryant and located within the city limits of the City of Bryant.

1. The burning of yard waste is allowed **November 1st through March 31st**.

2. No burning is permitted: Easter, Thanksgiving Day, or the day following Thanksgiving, Christmas Eve, Christmas Day, New Year's Eve, or New Year's Day.

3. Open burning of yard waste shall not be allowed unless the following conditions are met;

a. Yard waste materials to be burned located on parcels of less than one (1) acre shall be placed in a pile no larger than five feet in diameter and two feet in height. Pile(s) shall be no less than 10 feet from any structure or property line. No more than two piles may be burned at any given time by an individual resident or property owner. On parcels of more than 1 acre, the number of piles will not be restricted.

b. The fire must be attended at all times. The person attending the fire must have an adequate water supply or other suitable means available to completely extinguish the fire.

c. Burning shall be completely extinguished by sunset.

d. Land parcels of 2 acres or more are exempt from the prescribed Calendar periods. Although these parcels may burn year-round, they must comply with conditions of Section 1 article E, and Section 2 of this Ordinance.

e. For purposes of determining Land Parcel size, the Bryant Fire Chief or his designee shall use the Saline County Parcel Records accessible through www.efsedge.com/bryant/

B. Burn Bans may be issued under the following circumstances.

1. Atmospheric conditions that prevent smoke from rising freely.
2. When excessively dry conditions exist.
3. Sustained winds greater than fifteen (15) mph
4. Frequent peak wind gusts greater than twenty-five (25) mph

1. Burn Bans may be issued by:
    1. Governor
    2. County Judge
    3. Bryant Fire Chief or designee

C. Development or Construction Burning

Open burning of trees, limbs, or vegetation removed during the process of site improvement shall not be allowed unless the following conditions are met:

a. All surface vegetation must be removed adjacent to the burning materials for a distance of no less than 20 feet in all directions.

b. Approved materials to be burned shall be placed in a pile(s) no larger than 25 feet in diameter and 10 feet in height. No more than one pile per acre on the site may be burned at any given time up to 10 acres. For sites over 10 acres, the number and arrangement of piles must be approved by a Fire Department representative.

c. The fire must be checked periodically. Sufficient extinguishment equipment shall be on site and available to completely contain the fire.

d. The burning is to occur at least 100 feet from all combustible material.

e. A Burning Permit must be obtained prior to burning from the City of Bryant Fire Marshal's office. The permit will be good for a 30 calendar day period, and the fee will be $150. A site inspection shall be performed by the Fire Marshal or designee at least 1 week prior to burning. The material shall be sufficiently seasoned and dried to expedite burning and reduce smoke. A fan or other device to assist burning is HIGHLY RECOMMENDED.

f. Notification must be given to the Bryant Fire Department at least twenty-four

hours prior to the intended burning of said trees, limbs, or vegetation, by notifying the City of Bryant Public Safety Dispatch at 501-943-0864.

E. Other Allowed Burning

The following types of burning are permitted according to the circumstances listed herein:

a. Fires allowed by the Bryant Fire Department for the purpose of weed abatement, prevention and/or elimination of fire hazards, and burning of storm debris following a disaster (City, County, State, Federal), as declared by an appropriate governmental authority, with burning of such debris at the sole discretion of the Fire Chief or his designee depending on weather, safety, and environmental concerns.

b. Instruction of fire department employees in methods of firefighting or for and under the direct supervision of the Bryant Fire Department or authorized fire training instructor.

c. Fires that are associated with ceremonial (bonfire) or recreational purposes (Grills, Smokers, fireplaces, fire rings, or fire pits).

1. The location of ceremonial fires shall be a minimum of 50 feet from a structure. Approved materials to be burned shall be placed in a pile no larger than 15 feet in diameter and 10 feet in height. Only the burning of dry and seasoned wood is permitted. The Bryant Fire Department shall inspect and approve the burn site. No permit is required.
2. The location of recreational fires shall be a minimum of 10 feet from a structure. Approved materials to be burned shall be placed in a pile no larger than three feet in diameter and two feet in height. Only the burning of dry and seasoned wood is permitted. No permit is required.

Section 2. Prohibited Acts of Burning

The following open burning practices shall be prohibited within the corporate boundaries of the City of Bryant, Arkansas;

a. Open burning of trash, garbage, and/or rubbish by any resident or business for the purpose of incineration.

b. Open burning of construction waste of any kind on the premises of a construction site. Small warming fires are allowed in an approved container utilizing dry and seasoned wood only.

c. Open burning of materials resulting from remodeling, dismantling, and/or demolition of structures or buildings.
d. Open burning of trees, limbs, and vegetation clippings generated by, or resulting from, commercial activities or establishments that provide lawn maintenance and/or grounds care services through the course of normal business activities.
e. Open burning in any right-of-way (ditches, alleys, street, etc.)
f. Any burning activity when an appropriate governmental agency or executive institutes a burn ban as listed above.

g. Any burning that is in violation of the requirements listed within this Ordinance.

Section 3. Violations and Enforcement

a. An offender shall be issued a warning citation for the first violation of any provision of this ordnance unless circumstances warrant more severe enforcement action as determined by the City of Bryant Fire Chief or City of Bryant Police Chief.
b. Any person convicted of a second violation of a provision of the Ordinance shall be fined the sum of one hundred dollars ($100.00) plus court cost.
c. Any person convicted of a third violation of a provision of this Ordinance within a five (5) year period shall be fined the sum of five hundred dollars ($500.00) plus court cost, and be ineligible to conduct any open burning of any type within the city boundaries of Bryant. Citations may be issued by the Bryant Police Department or authorized Fire Department personnel, who have law enforcement authority.

Section 4. Repealer Clause

All ordinances or resolutions or any parts thereof in conflict with the hereinabove are repealed to the extent of the conflict.

Section 5. Severability Clause

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this ordinance are declared to be severable.

PASSED AND APPROVED this the 25 day of Oct, 2022.

Allen Scott, Mayor

ATTEST:

Mark Smith, City Clerk