

CITY OF WYNNE

ORDINANCE NUMBER 890

AN ORDINANCE TO DEFINE AND LIMIT CONDITIONS FOR OPEN BURNING WITHIN THE CITY LIMITS OF THE CITY OF WYNNE, ARKANSAS, AND PROVIDING FOR THE ENFORCEMENT BY THE FIRE DEPARTMENT, AND FOR OTHER PURPOSES

WHEREAS, The City of Wynne finds it necessary to enact an ordinance to define and limit conditions for open burning within the City of Wynne; and

WHEREAS, the City of Wynne, Arkansas is authorized to enact and enforce laws, ordinances, resolutions, rules, or regulations for the purpose of prohibiting burning in the open pursuant to Arkansas Code Annotated 8-4-306(b); and

WHEREAS, the City of Wynne has the authority to abate fire hazards through regulatory mechanisms deemed necessary and appropriate pursuant to Arkansas Code Annotated 8-6-1703(d).

NOW, THEREFORE, BE IT ORDAINED, by the City Council of Wynne, Arkansas that:

SECTION 1: The Wynne Code of Ordinances shall be amended to include the following, to be entitled "Open Burning."

**Residential Vegetation Abatement**

In accordance with Arkansas Code Annotated 8-6-1703 (d), instances of open burning of yard waste by residents are expressly discouraged within the corporate boundaries of the City of Wynne.

For the purpose of open burning, yard waste shall be defined in accordance with Arkansas Code Annotated 8-6-1701 (2) as grass clippings, leaves, and shrubbery trimmings collected by a resident or property owner from residential property.

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

- (A) Yard waste materials to be burned may be placed in a pile no larger than five (5) feet in diameter and three (3) feet in height. No more than one (1) pile may be burned at any given time by an individual resident or property owner.
- (B) Burning must be at least twenty-five (25) feet from the nearest structure, and must be at least twenty-five (25) feet from the nearest property line.
- (C) The fire must be attended at all times. The person attending the fire must have a charged hose and/or sufficient water supply available to completely extinguish the fire in the event that fire spread happens to occur.
- (D) Burning shall not commence before one (1) hour after sunrise, and shall not extend beyond one hour before sunset.

### **Prohibited Acts of Burning**

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

- (A) Open burning of trash, garbage, and/or rubbish by any resident or business for the purpose of incineration. Burn Barrels or other makeshift containers shall not be considered sufficient for controlling fuel-air ration mixtures and will not be allowed. In addition, in accordance with 8-9-403 section 2 paragraph "b" of the Arkansas Code, open burning of tires is strictly prohibited.
- (B) Open burning of construction waste of any kind on the premises of a construction sight except as provided by 8-4-305 section 8 of the Arkansas Code.
- (C) Open burning of materials resulting from remodeling, dismantling, and/or demolition of structures or buildings.
- (D) Open burning of 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.

### **Exceptions to Open Burning**

Provisions of this ordinance do not pertain to the following types of open burning:

- (A) Fires of a controlled and manageable nature used in the course of food preparation that incorporate use of barbecue equipment, outdoor fireplaces, cooking grilles, or cooking pits specifically designed and created for the preparation of food. However, such fires must be attended at all times.
- (B) Burning associated with road construction operations and the use of mobile and portable equipment and machinery incident thereto.
- (C) Fires allowed by the Wynne Fire Department for the purpose of weed abatement or for the prevention and/or elimination of a fire hazard.
- (D) Instruction of fire department employees in methods of fire fighting or for civil defense instruction.

### **Nuisance or Safety Hazard**

Smoke emissions from permissible open burning shall not be allowed to become a nuisance or safety hazard. In the event that such emission are identified by the Wynne Fire Department to be of an offensive nature to surrounding landowners and/or is determined to be detrimental to the general safety and well being of the public, the Wynne Fire Department may require discontinuance of such open burning without recourse.

### **Burn Ban**

That, notwithstanding any provision to the contrary, the Wynne Fire Chief has the ability to issue a burn ban. From the time said burn ban is issued, until the time said burn ban is revoked, no burning of any type is allowed unless specifically permitted by the Wynne Fire Chief.

**Violation**

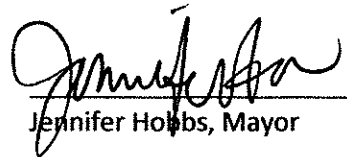
Any person violating, or permitting the violation of this ordinance, shall upon conviction in a Court of competent jurisdiction be fined the sum of not less than \$100.00 and not more than \$1,000.00 and/or sentenced to imprisonment in the county jail for a period of time not to exceed thirty (30) days.


SECTION 2: All ordinances or parts of ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3: The provisions of this ordinance are hereby declared to be severable and if any section, phrase, or provision shall be declared or held invalid, each invalidity shall not affect the remainder of the sections, phrases, or provisions.

SECTION 4: The immediate passage of this Ordinance is necessary for the health, safety, and welfare of the citizens of Wynne, THEREFORE, an emergency is hereby declared to exist and the Ordinance shall be in full force and effect from the passage and approval.

PASSED AND APPROVED on this 9th day of May, 2023.

  
Jennifer Hobbs, Mayor

  
Emily Watts, City Clerk