

Ordinance No. 19 – 252

An Ordinance Establishing Standards to Control Open Burning

**Be It ordained by the Town Council of the Town of
Coosada, Alabama as follows:**

Section 1. Purpose:

- A. This Ordinance is enacted to protect, preserve, and promote the health and safety, welfare and peace of mind for the citizens of the Town of Coosada, 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 and the enjoyment of life, property and conduct of business. This Ordinance is not intended to supersede legislation or regulations of State-wide applicability governing open burning nor does compliance with the Ordinance guarantee compliance with legislation or regulations.

Section 2. Open Burning Standards:

- A. It shall be unlawful for any person to set, kindle or maintain any open fire that exceeds a 4' x 4' area without having first obtained a \$15.00 burn permit from the Town of Coosada, Alabama. All moneys collected for any permits, violations, fines, or forfeitures received by the Coosada Fire Department fund to support the expense of stipend benefits, equipment, and or operating expenses of the Coosada Fire Department. A permit is required from the Town of Coosada, for corporate, its limits, and police jurisdiction for any fire that exceeds a 4' x 4' area except for the following purposes:
1. Open fires for the cooking of food for human consumption.
 2. Fires set in salamanders or other devices, utilizing only untreated wood, propane, kerosene, or fuel oil, (as fuel) for heating purposes.
 3. Campfires by the Boy/Girl Scouts of America.
 4. Flag retirement ceremonies held by proper authorities.
- B. Burn permits for open fires as required by the terms of Section 2 (A) above shall be obtained from the fire Chief, or Town Clerk of the Town of Coosada, Alabama or such other representatives of the Town of Coosada who may be authorized by the Town Council to issue such permits. Prior to the issuance of such burn permit, the individual requesting the permit must present a rough diagram of property to show a designated burn location and shall sign a form stating that the proposed open burning will meet the following criteria:
1. The location of the burning must be at least 500' in distance from the nearest occupied dwelling, other than a dwelling located on the property, and must be no less than 100' from an occupied dwelling on the permitted property.
 2. The burning must be controlled to avoid creating a traffic hazard on any public road, or highway.
 3. Only vegetation grown from earth and untreated wood may be openly burned. No lumber, construction materials, oils, paints, asphaltic materials, rubber, plastics, paper, or garbage, shall be openly burned. Burning must take place on the property on which the combustible fuel originates.

4. Initial burning may be commenced only between the hours of 8:00 am and 3:00 pm. No combustible material is to be added to the fire between 3:00 pm and 8:00 am the following day.
 5. The fire shall be properly attended at all times and there shall be adequate tools, equipment, and fire breaks, to include a hose connected to a sustainable water source to contain an escape of fire. Extinguishing equipment, and necessary manpower, shovels, flaps, or rakes shall be readily available for use during the entire burning period.
- C. It is the responsibility of the permitted party to have readily available equipment and personnel present necessary to control the burn. Also, the burn permit must be present and/or obtainable at the burn site on the date the burn is conducted.
- D. All burns are subject to current advisories from the National Weather Service, any declarations of the Governor of Alabama or local governments, the Alabama State Forestry Commission, or Alabama Department of Environmental Management (ADEM), during any period when existing conditions produce extraordinary danger from fire.
- E. It is the citizen's, firm's, or corporation's responsibility to check for advisories prior to conducting a burn. The information may be communicated as follows: If a red flag is displayed or flown on the Coosada Fire Department's flagpole, it indicates that a "No Burn" period is in effect. No burning is permitted to take place during this time period. If a yellow flag is displayed on the Coosada Fire Department's flagpole, it indicates that a "Fire Alert" condition is in effect that is favorable for fire to escape and endanger other unwanted areas, materials, or structures. Although burning is allowed during this time period, the responsible party should employ extreme caution, and use any and all necessary tools, equipment and personnel. Also, the public can contact the fire Chief, fire officer, or town clerk to enquire about any burn advisory at that time. It is the responsible party's obligation to know any status of burn advisories at the date and time the burn is to be conducted.

- F. If the location of land or plot to be burned is greater than $\frac{1}{4}$ (.25) acres of land a permit is also required by the Alabama Forestry Commission, pursuant to Code of Alabama (1975) Section 9 – 13 – 11. There is no cost for the permit from the Alabama Forestry Commission, however, the Alabama Forestry Commission requires the permit be obtained no earlier than 3 days prior to the date the burn will be conducted. The permit may be obtained by calling 1-800-392-5679 or online at burnpermits.forestry.Alabama.GOV. You will need the latitude and longitude location for burn site, also approximate size of burn, what is being burned, and general purpose of burn. All rules and regulations set forth by the Alabama Forestry Commission on this section apply in addition but not limited to Coosada Town Ordinance 19 – 252.
- G. Even though the permit holder, land owner, or responsible party has obtained a burn permit that meets the requirements of this ordinance or other requirements of other permits, laws, or regulations, he/she is in no way, form, or fashion released from responsibility or liability for any damages to any and all fire or smoke damages caused by the negligence of the said person to any other property or structure, or well being of another person, and if such conflicts arise the permit shall be voided, and the responsible party will employ extinguishment of fire procedures, to include the assistance of the fire department, and may be responsible for described damages.

Section 3. Revocation or Extension of Burn Permits:

- A. A burn permit once issued may be revoked by the Town of Coosada, or fire Chief, if the person or party has obtained a permit but fails to comply with proper burn procedures, or if it is determined that the permit holder did not, at the time of application, meet all criteria set forth above for the issuance of a burn permit. Such burn permits may also be extended 7 days not to exceed 14 days of original permit due to inclement weather, or dangerous weather conditions that develop after the original issuance causing possible erratic fire behavior, or conditions not suitable for control of open burning, or if open burning creates a danger or serious nuisance for individuals or property, or such "No Burn" conditions are presented as set forth by the above sections regulating dangerous fire conditions. The extension may be granted once under the above conditions described at no additional cost, but no extensions will be granted past 14 days, and all funds are non-refundable.

Section 4. Penalties:

- A. Any person, firm, or corporation in violation of any provision of this Ordinance 19 – 252 shall, upon conviction, be fined not more than \$500.00 and/or sentenced to jail for a term of not more than six (6) months.
- B. If any fire is determined to be in violation of this ordinance or a permit has been revoked, as described in any of the above sections, it will be the duty of the fire department and/or its officers to extinguish the fire in question immediately by proper necessary means of extinguishment.

Section 5. Special Considerations:

- A. In certain circumstances where a provision of the ordinance is in question, the fire Chief may evaluate a situation and determine a burn may be permissible based on location, size, type, or an individual's knowledge of fire behavior, and/or other factors which may affect fires, or fire behavior. These considerations are based on recommendations from the Alabama Governor's Office, Alabama Department of Environmental Management (ADEM), the Alabama Forestry Commission, and the Alabama State Fire Marshall's Office.

Section 6. Severability:

- A. Each and every provision of the Ordinance is hereby declared to be an independent provision, and if any section, sentence, paragraph, clause, phrase or word of the Ordinance is for any reason held or declared to be unconstitutional, inoperative, invalid or void, such holding or invalidity shall not effect the remaining portions of Ordinance No. 19 – 252, and it shall be construed to have been the intent of the Town Council for the Town of Coosada, Alabama to pass this Ordinance without such unconstitutional, invalid or inoperative part there in, and the remainder of this Ordinance shall be deemed and held to be valid as if such part had been included herein.

Section 7. Effective Date:

- A. This Ordinance shall become effective upon its adoption and publication or posting as required by law.

ADOPTED AND APPROVED on this the 8th day of October 2019

Attest:

Jeannie Ward
Jeannie Ward, Clerk

Anthony F. Powell
Anthony Powell, Mayor