

**ORDINANCE NO. 286**

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF BETHEL HEIGHTS, STATE OF ARKANSAS; AN ORDINANCE TO BE ENTITLED:

**AN ORDINANCE TO ALLOW BURNING OF CERTAIN STRUCTURES TO PREVENT OR ELIMINATE FIRE HAZARDS**

WHEREAS, within the city of Bethel Heights there exist certain structures which, because of age, and lack of maintenance, are in a dilapidated condition; and,

WHEREAS, many such structures represent a current or future fire hazard and as such, a hazard to the health of the residents of Bethel Heights;

NOW THEREFORE BE IT ORDAINED:

ARTICLE 1. That the purpose of this ordinance is to provide a process for citizens to obtain authorization and carry out burning of dilapidated structures on their own property, which are or will become fire hazards, such as, but not limited to, barns, sheds, and, chicken houses.

ARTICLE 2. That any person desiring to burn a structure on their property for the reason that it is or will become a fire hazard, which structure is located within the incorporated area of the City of Bethel Heights, shall apply for a permit from the Fire Chief, or his designee, to destroy such structure by burning it. The permit application shall include the name of the owner of the property and any person having an interest in the structure proposed to be burned. The application shall also be accompanied by a notarized statement that there is no insurance on the structure.

ARTICLE 3. That upon an application being made, the Fire Chief or his designee, shall have the property inspected by someone certified under Regulation 21 of the regulations of the Arkansas Pollution Control & Ecology Commission related to asbestos. Such inspection shall be made 1) to determine whether the structure proposed to be burned and the surrounding property is a current fire hazard or likely to become one, 2) to determine the presence of hazardous materials, including specifically but not limited to asbestos, and 3) to determine if other circumstances exist regarding the structure which otherwise makes it unsuitable due to health reasons for destruction by burning. In the event the City does not have an employee qualified to make the inspection related to asbestos, any cost of such inspection shall be paid by the Applicant. In the event that one or more conditions exist which would prevent a permit being issued which can be corrected, the Fire Chief, or his designee, shall notify the applicant of the problem and allow him to correct it and shall there after inspect the structure and surrounding area as described above to see if the issue has been corrected. In no case shall a permit be issued if the structure contains asbestos.

ARTICLE 4. Upon the approval of the Fire Chief, or his designee, and the payment of an application fee of \$100.00 by the applicant, the applicant will be issued a permit to allow the structure to be burned in compliance with the other provisions of this ordinance. A copy of the approved permit will be immediately sent by the Fire Chief, or his designee, by regular mail to

the Arkansas Department of Environmental Quality – Air Division, 5301 Northshore Drive, North Little Rock, AR 72118-5317 (or such other future address of the division or its successor).

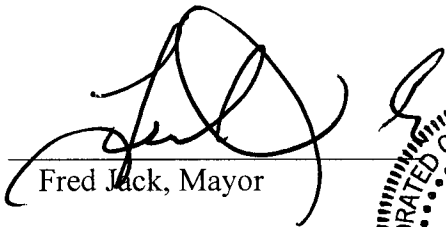
ARTICLE 5. That after receiving the permit, the applicant may set fire to the structure approved for burning beginning no earlier than 10 days after and no later than 30 days after the permit being issued. The Fire Department must be notified a minimum of 3 days prior to setting fire to the structure to schedule the approved burning so that the Fire Department, at their discretion may schedule to be present during the burn. Prior the setting fire to the structure on the scheduled day, the applicant must then contact the Fire Department to obtain approval to burn that day. The Fire Department will give approval unless weather conditions dictate that burning would not be appropriate at that time, or for other unforeseen issues. The Applicant shall follow any instructions given by the Fire Department, including specifically, but not limited to, any related to attending the fire and having appropriate fire control measures in place. In the event that permission to set fire to the structure approved for burning is not given by the Fire Department, they shall communicate to the applicant the reason that such permission is denied. A permit may be extended by the Fire Chief for up to thirty days upon request by the Applicant.

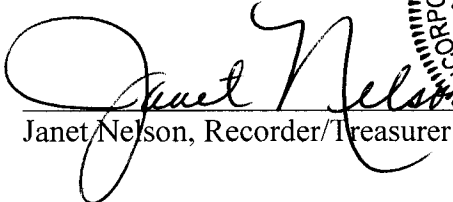
ARTICLE 6. That after receiving notice that the structure is burned, or after the expiration of the 30 day permit period (or the extended permit period) in the event that no notice is received, the Fire Chief, or his designee, shall return to the site of the structure to inspect the area.

ARTICLE 7. That any person desiring to burn a structure on his property for any reason other than the structure is a current or future fire hazard shall first obtain permission for such burning from the Arkansas Department of Environmental Quality (or its successor agency) and thereafter shall otherwise follow the requirements of this ordinance.

ARTICLE 8. The burning of a structure in violation of this provision shall subject the violator to a fine of up to Five Hundred Dollars (\$500.00). A violator of this subsection who has also violated State law shall be subject to prosecution for the violation of State law as well as at the discretion of the Prosecuting Attorney, or appropriate administrative action by the Arkansas Department of Environmental Quality (or its successor agency).

PASSED AND APPROVED this 20<sup>th</sup> day of October, 2009

APPROVED:   
Fred Jack, Mayor

ATTEST:   
Janet Nelson, Recorder/Treasurer

