

AMENDMENTS TO ORDINANCE SECTION 34, CODE OF ORDINANCES

Repeal Article II, Section 34-32, sub-section (f) *“It shall be unlawful to burn at any construction site any construction materials including, but not limited to, trees, tree stumps, limbs, rubbish, plastic products, or motor fuels”*

Approve the addition of:

Section 34-36, to read:

Special permitting for land clearing and development activities

(1) Open burning for the disposal of organic materials grown on a particular tract of land may be conducted if it is generated by the clearing or maintenance of land, or from operations conducted for any of the following purposes:

- (a) Erection of any approved structure or roadway,
- (b) Construction of any transportation, utility, or communications line;
- (c) Development or modification of a recreational or commercial area.

(2) Such open burning may be conducted provided the following conditions are met:

- (a) The burning must take place upon the property on which the organic material originates;
- (b) The location of the burning must be at least 500 feet from the nearest occupied dwelling or established pedestrian pathway other than a dwelling located on the property on which the burning is conducted;
- (c) The burning must be controlled so as to avoid creating a traffic hazard on any public road, street, or highway, as a result of the air contaminants emitted;
- (d) Initial burning may only occur between the hours of 8:00 a.m. Eastern Standard Time and 3:00 p.m. Eastern Standard Time, with no additional combustible materials to be added to the fire between 3:00 p.m. Eastern Standard Time and 8:00 a.m. Eastern Standard Time the following day;
- (e) Burning shall be conducted only when there is good ventilation and the prevailing wind direction is away from any established populated area in the vicinity, with wind speeds not exceeding 10 m.p.h. No burning shall be conducted in areas under a current air stagnation advisory issued by the National Weather Service, during a “Drought Emergency” declared by the Governor, or at any time the fire chief formally issues a “burn ban”.
- (f) The fire shall be attended at all times with a method of fire control to be maintained at the site during burning.
- (g) The fire chief, or his designee, shall be contacted upon the date of the proposed fire, and prior to the ignition of any such open burn.

Section 34-37, to read:

Open Burning Permit Requirement

- (1) No voluntary burning for the purposes set forth in section 34-36 shall occur by any person, firm, corporation, partnership, or other entity or shall be allowed within the city limits, or its police jurisdiction, without first obtaining a permit therefore.

Section 34-38, to read:

Open Burning Permit Application; contents

- (1) Any applicant for a permit must submit an application therefore, by personal appearance at the office of the Environmental Services director. Such application shall contain, at a minimum, the following information, to enable the Director, or his designee, to make the determinations required regarding the permitting of such open burning:
 - a. The site of the proposed burning,
 - b. The full name and address of the applicant,
 - c. The type of materials which are to be burned,
 - d. The method of fire extinguishing equipment present,
 - e. The dates and hours during which such burning shall occur.
- (2) Such application shall be upon the form prescribed by the City of Valley, and should be submitted a minimum of three (3) days prior to the requested burn date.
- (3) The Director, or his designee, may require such other information from the applicant as is reasonably necessary to protect the health, safety, and welfare of the city and its police jurisdiction.
- (4) The Director, or his designee, shall act, within a reasonable time, on an application for an open burning permit and shall notify the applicant and fire chief in writing, of its approval, conditional approval, or denial.

Section 34-39, to read:

Open Burning Permit, fees and validity

- (1) Open burning permit fees in the amount of \$200.00 per permit shall be paid at the time of application. Fees shall be made payable to the city and shall be non-refundable. The fee for each permit shall be deposited in the city's general fund.
- (2) Each permit shall be valid for the period of time requested by the applicant and approved by the issuing officer, or such earlier time as the burning applied for shall be completed. In no event, however, may an open burning permit be issued which has an expiration date of longer than thirty (30) days from the burn start date.

- (3) Open burning permits shall not be transferable either from one location to another or from one person to another.

Section 34-40, to read:

Open Burning Permit, display

- (1) Permits shall be displayed and available at the open burning site by any and all persons who may request to see the permit(s).

Section 34-41, to read:

Open Burning Permit, revocation and appeal

- (1) Any open burning permit granted may be revoked, after notice, for any of the following causes:
 - (a) Failure to comply with the provisions of this article,
 - (b) Failure to comply with any conditions of the open burning permit,
 - (c) For any other cause, if, in the judgment of the Director, continuance of the permit is not consistent with the purposes of this article
- (2) Any person aggrieved by a decision of the Director or his designee may appeal to the city council at its next regular meeting after the denial or revocation of any such permit.

Section 34-41, to read:

Open Burning Permit, enforcement

- (1) The Director, and any person acting under his supervision, and any duly authorized law enforcement officer is authorized to issue a citation to appear in court to answer charges of violations of any of the provisions of this article.
- (2) The Director, and any person acting under his supervision, and any duly authorized law enforcement officer, and the fire chief and any person acting under his supervision, is authorized, upon reasonable cause, to order the immediate extinguishment of any such open burn.