

CHAPTER 5

OUTDOOR BURNING, OPEN BURNING, AND
BURNING OF REFUSE

SECTION

- 7-501. Purpose.
- 7-502. Definitions.
- 7-503. Open burning, outdoor burning and refuse burning prohibited.
- 7-504. Specific materials that may not be burned.
- 7-505. Burning leaves, brush, clean wood and other vegetative debris.
- 7-506. Exemptions to prohibited burning.
- 7-507. Permit required for certain burning practices.
- 7-508. Revocation of permits.
- 7-509. Owner liability.
- 7-510. Right of entry and inspection.
- 7-511. Enforcement.
- 7-512. Violations.

7-501. Purpose. This chapter is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living condition, safety and welfare of the citizens of the Town of Jonesborough from the air pollution and fire hazards resulting from open burning, outdoor burning and refuse burning. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-502. Definitions. (1) "Burn barrels" means metal or any noncombustible containers used to incinerate refuse or clean wood located typically in backyards or constructions sites.

(2) "Campfire" means a small outdoor fire intended for recreation, ceremony or cooking not including a fire intended for disposal of wood waste or refuse.

(3) "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain glues as in plywood or other composite wood products.

(4) "Outdoor burning" means open burning or burning in an outdoor wood fired furnace.

(5) "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the air without passing through a stack or chimney.

(6) "Outdoor wood-fired furnace" means a wood fired furnace, stove or boiler that is not located within a building intended for habitation by humans or domestic animals.

(7) "Refuse" means any waste material except clean wood. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-503. Open burning, outdoor burning and refuse burning prohibited. No person, firm, or corporation shall cause, suffer, allow or permit open burning, outdoor burning, and refuse burning within the corporate limits of the Town of Jonesborough unless the burning is specifically permitted in this chapter. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-504. Specific materials that may not be burned. The following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incinerator or heating device.

(1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business wastes.

(2) Waste oil or other oily wastes except used oil burned in a heating device for energy recovery subject to any state or federal restrictions.

(3) Asphalt and products containing asphalt.

(4) Treated or painted wood including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

(5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.

(6) Rubber including tires and synthetic rubber-like products.

(7) Newspaper, corrugated cardboard, container board, office paper and other similar materials that can be recycled with the following exceptions:

(a) Paper and cardboard products may be used as a starter fuel for a fire that is allowed under the ordinance, comprising this chapter.

(b) Small quantities of confidential papers from a residence may be burned if necessary to prevent theft of financial records, identification or other confidential information. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning. [Ord. of December 14, 1987, as replaced by Ord. #2005-19, Dec. 2005]

7-505. Burning leaves, brush, clean wood and other vegetative debris. Because the Town of Jonesborough has weekly pick-up of brush and yard wastes, open burning of leaves, weeds, brush, stumps, clean wood or other vegetative debris is prohibited. Upon receiving written authorization and a waiver of liability from the developer/owner, town crews are authorized to go on property being cleared for development to load and remove clean wood when

there is acceptable access for loading and the material is properly cut for collection. [as added by Ord. #2005-19, Dec. 2005]

7-506. Exemptions to prohibited burning. The following burning practices are specifically exempted from the prohibitions established in this chapter:

(1) Small fires or camp fires for the cooking of food or for ceremonial or recreational purposes including barbeques and outdoor fireplaces. However, no material listed in § 7-504 may be burned in the exempted activity; and provided that any small open campfire is contained in a control device such as a fire ring or fire pit.

(2) Fires set for the training and instruction of public firefighting personnel including civil defense and emergency management provided said fire training exercises are carried out within all state and federal standards and meet all fire code guidelines.

(3) Fires set by or at the direction of a responsible fire control agency for the prevention, elimination or reduction of a fire hazard.

(4) Outdoor wood-fired furnaces provided that the outdoor wood-fired furnace:

(a) is not used to burn materials prohibited in § 7-504,

(b) has a chimney that extends to a minimum height of fifteen (15) feet,

(c) is not located within fifteen (15) feet of a property line or within any required setback areas between properties, whichever is greater

(d) is not installed until the owner has obtained a permit from the fire major or his/her designee.

(5) Fires used to clear land consisting solely of vegetation grown on the land for agriculture, forest or game management purposes, provided that any local, state or federal permits are obtained prior to the burning.

(6) Burning of brush and vegetation resulting from land development or clearing under the following circumstances:

(a) The volume of clean wood to be removed is more than it is reasonable for the town or the developer to remove in a timely manner and at a reasonable cost.

(b) Access to the clean wood is not adequate and it is determined to be unreasonable to move the brush to be removed to a suitable collection location.

(c) The location of the burn site is a minimum of five hundred feet (500') from any residence or business, however, the fire major or public safety director has the discretion to approve a shorter distance when land topography, vegetation, etc. make it very unlikely that any residences or businesses nearby will be negatively impacted.

(d) Best management practices, as determined by the Jonesborough Fire Department, are followed to reduce the negative impact of smoke or potential fire damage.

(e) The exception is authorized by the fire major and/or public safety director. [as added by Ord. #2005-19, Dec. 2005, and amended by Ord. #2007-04, April 2007]

7-507. Permit required for certain burning practices. A burning permit must be obtained for the installation and use of an outdoor wood-fired furnace and land clearing burning as authorized in § 7-506(5) and (6).

(1) Permit applications should be submitted at least forty-eight (48) hours in advance of the burning activity.

(2) All permits issued hereunder shall terminate upon completion of the operation conducted thereunder or the expiration of a period designated in said permit not to exceed thirty (30) calendar days.

(3) Any formal ban on burning issued by the state or federal authorities shall immediately void any permit issued for land clearing burning. [as added by Ord. #2005-19, Dec. 2005]

7-508. Revocation of permits. The public safety director, fire major, fire marshal or other designee are authorized to revoke any burning permit if a burning ban is implemented or if the burning practices undertaken are not consistent with the protections intended in the ordinance comprising this chapter to the health, safety and general welfare of the general public. [as added by Ord. #2005-19, Dec. 2005]

7-509. Owner liability. Any person, firm or corporation starting, utilizing or maintaining an outdoor fire shall be responsible for any or all suppression costs and any liability resulting from damage caused by the fire. [as added by Ord. #2005-19, Dec. 2005]

7-510. Right of entry and inspection. Public safety officers and firefighters, a fire marshal, or any authorized officer, agent or employee of the Town of Jonesborough when presenting proper credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. [as added by Ord. #2005-19, Dec. 2005]

7-511. Enforcement. The fire major or designee shall have primary enforcement responsibilities associated with this chapter including the issuance of burning permits when appropriate, however, the public safety director and any public safety officer and the fire marshal are authorized to initiate enforcement action when a violation occurs. In addition, the public safety director has the authority to review and approve any or all burning permits and

any exceptions being considered for appropriateness prior to issuance. [as added by Ord. #2005-19, Dec. 2005, and replaced by Ord. #2007-04, April 2007]

7-512. Violation. Any person, firm, association, corporation, or the agent thereof who shall fail, neglect or refuse to comply with the provisions of this chapter shall be guilty of a misdemeanor. [as added by Ord. #2005-19, Dec. 2005]