

**CITY OF LAKEVIEW
BAXTER COUNTY, ARKANSAS
ORDINANCE 10-03**

**AN ORDINANCE TO REPEAL AND RECREATE ORDINANCES 16 AND 19
REGULATING THE OUTSIDE BURNING OF ANY REFUSE ON PUBLIC OR
PRIVATE LANDS.**

WHEREAS, open burning, while discouraged, is allowed under Section 8-6-1701 through and including Section 8-6-1704 Arkansas State Statutes; and

WHEREAS, open burning is allowed within the corporate limits of the City of Lakeview; and

WHEREAS, it is necessary to regulate such burning in an effort to insure they do not constitute an unbearable nuisance;

NOW THEREFORE BE IT ORDAINED by the City of Lakeview, Baxter County, Arkansas:

Section I. No person, firm or corporation shall kindle or maintain any bonfire or burn trash, lumber, leaves, straw or any other combustible material except as follows:

- A. It shall be unlawful to burn any combustible material upon any street or alley within the corporate limits of the city.
- B. Burning of yard waste, i.e. leaves, small limbs, dry garden plants, etc. is allowed. No person(s) shall burn any garbage, motor oil drainings, tires, tar paper, construction material or any other substance or material that will result in a dense smoke or an offensive odor.
- C. Burning on any other premises is allowed:
 1. As long as such burning is done in a metal or masonry receptacle or a pit dedicated to burning. Receptacles for burning shall be kept in good repair, in neat condition and free of noxious odors.
 2. Burning in other than a dedicated receptacle or pit is discouraged, however any person(s) opting to do such burning does so at his/her own risk and peril.
 3. Burning of leaves within ditches may be allowed, however person(s) responsible for the burn must insure that residue (ash) from the burn does not impede the flow of water within the ditch.
 4. Commercial incinerators shall not be allowed within the corporate limits of the city.

Section II. No person, firm or corporation shall burn any materials permitted under this Ordinance unless the following safety standards are observed.

- A. "Burn Bans" as issued by Baxter County and/or the Grover Township Fire District shall be observed at all times.

- B. Burning shall be on a "still day" normally defined as a day with sustainable winds less than 10 MPH and only during daylight hours.
- C. All burning shall be constantly supervised by a person(s) of not less than sixteen (16) year of age.
- D. All burning shall be conducted at least ten (10) feet from any building or other structure.

Section III. Any Official of the City of Lakeview are hereby authorized and directed to enforce the provisions of this Ordinance. Authority is also granted to members of the Grover Township Fire District to enforce provisions of this Ordinance acting as complainant should a citation be warranted for the offence.

Section IV. Penalties.

- A. Any person, firm or corporation who shall violate the provisions of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in any sum not less than one hundred dollars (\$100.00) nor more than two hundred and fifty dollars (\$250.00).
- B. Any person, firm or corporation responsible for starting a grass and/or structure fire through irresponsible burning shall be held negligent and as such shall be held liable for all costs incurred by the City of Lakeview and/or the Grover Township Fire District as determined by the respective Department Chiefs.

Section V. Severability- The invalidity or unconstitutionality of any of the provisions of the Ordinance shall not effect any other section hereof, but same shall remain in full force and effect.

Section VI. Emergency Clause- This Ordinance being necessary for the welfare and safety of the public, an emergency is declared to exist and this Ordinance shall be in full force and effective from the date of its passage.

3/17/10
Date

Dennis A. Behling
Dennis A. Behling, Mayor

Rebecca Barton
Rebecca Barton, Recorder/Treasurer