

City of Fairview

Burn Permit Proposal

Ordinance Requirement:

All open burning shall be prohibited within the City of Fairview.

Definitions:

Except where specifically defined herein, all words used in this ordinance shall carry their customary meanings. The word “shall” is always mandatory and not merely directory.

- A. “Fire Chief” shall mean the officer charged with the administration of the fire department. This person is responsible for all fire prevention, investigation, and suppression activities within the City of Fairview.
- B. “Open Burning” shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack, duct, or chimney.
- C. “Fire Extinguishing Equipment” shall mean an approved ten-pound ABC type fire extinguisher, a garden type hose connected to a reliable water supply; or any other equipment approved in writing in advance by the Fire Chief.
- D. “Contractor” shall mean the primary contractor/builder or subcontractor for a particular construction site for which a building permit has been issued.
- E. “Developer” shall mean the individual or his/her designee that is developing parcel of land for commercial or residential use. This individual must have a signed Development Contract with the City of Fairview.
- F. “Air Curtain Destructor” is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain.
- G. “Air Pollution Emergency Episode” is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.
- H. “Wood Waste” is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose “disposition” by open burning is to solely get rid of or destroy.

Exception to Prohibition:

Open burning may be conducted subject to the following limitations with a valid Burning Permit issued by the City of Fairview:

Open burning may be conducted to clear land of brush/wood (of which no part may exceed three (3) inches in diameter, except where approved on new site development projects) grown on that land where the land is being maintained for the following purposes:

- Established private residences, consisting of one or two dwelling units.
- Farming operations, growing crops for human or animal consumption or raising livestock.
- Established church congregational properties.

- New site development projects where the Developer has a signed development contract with the City of Fairview.

Open Burning Conditions –With Permit

All open burning shall be between the hours of 9:00 am and 3:30 pm or as authorized by the Fire Department.

- A. All vestiges of open burning shall be non-existent in the air no later than 4:30 pm NOTE: Materials may not be burned in piles exceeding 144 cubic feet, except as designated on new site development projects.
- B. Under adverse meteorological or weather conditions as determined by the Fire Chief or his/her designee, all permits shall be invalid, and no open burning shall be allowed.
- C. Permits are only valid for a period of one (1) week unless specified otherwise and the effective date(s) for open burning shall appear on the permit form.
- D. Permits for open burning must be posted on the site.
- E. The holder of the permit must call the designated telephone number on the day of the burning, to verify that the permit is valid for that day. Burning to be conducted on the weekend must verify prior to 5:00 pm on Friday.
- F. All material to be burned must be dry and in all other respects be in a state to sustain good combustion.
- G. Burning of uncoated paper or uncoated cardboard, both of which constitute less than ten (10) percent of the total weight of material to be burned on a daily basis may be allowed.
- H. Open burning may be conducted to dispose of wood waste as provided by T.C.A. §68-201-115(c). Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils. Plant life of an herbaceous nature, such as leaves, evergreen needles, or grasses, are not considered “wood waste”.
- I. The granting of an open burning permit shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning, or of the responsibility of obtaining any other permit from any other agency.

Prohibitions from Burning-With Permit

- A. Open burning **is** expressly prohibited on all commercial building sites.
- B. Open burning **is** expressly prohibited on all sites owned or operated by a commercial tree cutting service, landscaping service, or anywhere that trees/brush are cut at an off-site location and transported to be disposed of.
- C. Open burning shall not be allowed on the premises of an apartment complex. This shall include the use of portable charcoal, natural gas or liquid propane gas fired grills located

on balconies of apartments. (This does not include fixed grill locations located throughout the complex with the written approval of the Fire Chief.)

- D. The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, asbestos containing materials, plywood, fiberboard, particleboard, paneling, wood treated to prevent insect or rot damage and/or fallen leaves is prohibited.
- E. No fire shall be ignited while an air pollution emergency is in effect in the area of the burn.

Location Requirements for Burning

- A. The site of such burning may not be located nearer than one-half mile to an airport, hospital, nursing home, school, Federal or State highway, national reservation, national or state park, wildlife area, and/or national or state forest.
- B. The site of such burning is not nearer than five hundred (500) feet to any registered sanitary landfill, or other land disposal sites for combustible solid waste, or other similar facilities.
- C. Homeowner/renter- Open burning cannot be located closer than 25 feet to any structure.
- D. Contractor- Open burning cannot be located closer than 25 feet to any structure. Burning may not be located closer than 100 feet to any wooded land.
- E. Developer- Open burning cannot be located closer than 25 feet to any structure. When exceptions are granted to the 144 cubic feet size limit an area no less than 50 feet of bare soil must be located around the burn pile. Burning may not be located closer than 100 feet to any wooded land.

Air Curtain Destructor Usage

The use of an air curtain destructor may be used provided the applicant meets all requirements of the Tennessee Department of Environment and Conservation, Bureau of Environment, Division or Air Pollution Control *Rule #1200-3-4-.04 (1.)(k)*

Exception to Burn Permit Requirement

Burning may be conducted under the following conditions without a Burn Permit provided that no complete open burning ban is issued by the Fire Department.

- A. The party conducting the burning must constantly attend the burning material.
- B. The responsible party must have an expectable level of fire extinguishing equipment present and be knowledgeable in the use of such.
- C. Fires used for cooking of food or for ceremonial or recreational purposes, including barbecues, campfires, and outdoor fireplaces.
- D. A bon fire may be allowed, with written approval by the Fire Chief, provided the size does not exceed five feet in height and six feet at the base. The bon fire must be supervised by a person 21 years or older with approved fire extinguishing equipment. The fire department must be notified at least three days in advance during regular

business hours prior to the ignition of a bon fire. If an organization wants to build a bon fire larger than the specifications stated above, a fire apparatus with City firefighters must be arranged to be on site during the ceremony.

- E. Comfort heating on construction job sites with a valid building permit may be conducted between October 1 and April 15 provided the burning is in a suitable metal 55 gallon barrel with an ash screen in place on top of the container as a spark arrester.
 - Only untreated wood may be used. This is not to be construed to allow burning of painted or chemically treated wood; or garbage, for comfort heating.
 - Open burning for comfort heat is allowed when the ambient temperature exceeds 45°F.
 - Fire extinguishing equipment must be located within five (5) feet of the container.
 - Fires shall be extinguished when no worker is in attendance.
 - Fire containers shall be located a minimum of 25 feet from any structure or tree.
- F. Fires set for training and instruction of public or private fire-fighting personnel.
- G. Fires set by or the direction of responsible fire control agencies for the prevention, elimination, or reduction of a fire hazard.
- H. Smokeless flares or safety flares for the combustion of waste gases.
- I. Fires used to destroy pests, germs, dead animals, etc. when the open burning is being conducted in accordance with T.C.A. §§44-2-1302, and where no other safe and/or practical method exists.
- J. Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and illegal drugs seized as contraband. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.

Fees

Permits may be obtained at City Hall. Permit fees shall be \$5.00 per permit issuance. A single one-week extension may be granted to a permit provided the meteorological conditions were not favorable for burning. The Fire Chief or his/her designee may only grant the extension.

A stand-by fire apparatus with trained fire personnel may be obtained for a charge of \$75.00/hour with a minimum of one (1) hour charge.

Penalty for Violation of Permit

Any violation to the above stated requirements shall result in a citation of no less than \$50.00 and/or ___ days in jail. The violator shall also be banned from obtaining a permit for a period no less than 60 days.