

O R D I N A N C E NO. 10-91-1

AN ORDINANCE TO REGULATE OPEN BURNING IN THE CITY OF ABBEVILLE.  
BE IT ORDANINED by the City Council of the City of Abbeville,  
Alabama, as follows:

Section 1. PURPOSE. This ordinance is enacted to protect, preserve and promote the health, safety, welfare and peace for the citizens of Abbeville, Alabama, through the control of open burning. It is the intent of this ordinance to establish standards that will control open burning so that it will comply with all applicable state regulations and will not be detrimental to individuals and the community in the enjoyment of life, property and conduct of business. This ordinance is not intended to supersede legislation or regulations of state-wide applicability governing open burning nor does compliance with this ordinance guarantee compliance with such legislation or regulations.

Section 2. OPEN BURNING STANDARDS.

- (a.) No person shall kindle or maintain any open fire without a permit from the City of Abbeville, except for the following purposes:
- (1) Open fires for the cooking of food for human consumption.
  - (2) Fires set in salamanders or other devices used by construction of other workers for heating purposes.
- (b.) Fires for any other purpose must be permitted by the City of Abbeville. Permits may only be issued if the proposed open burning meets the following criteria:

(1) The burning must be controlled so as to avoid creating a traffic hazard on any public road, street or highway.

(2) Only untreated wood and vegetation may be open burned. Some of the materials that will not be burned include paper, cardboard, heavy oils, paint, asphaltic materials, rubber, plastics, refuse and garbage.

(3) No fire may be started or combustible material added to the fire except during the period from 9 a.m. to 3 p.m.

(4) The fire shall be attended at all times. There shall be a hose connected to a water supply or other extinguishing equipment readily available for use.

(5) No burning shall be conducted under a current air stagnation advisory issued by the National Weather Service or during a "Drought Emergency" declared by the Governor.

Section 3. REVOCATION OF BURNING PERMITS. The City of Abbeville Mayor or Fire Chief or the State of Alabama may revoke a burning permit issued by the City of Abbeville any time after it is issued if the open burning creates a danger or serious nuisance for individuals or property.

Section 4. PUNISHMENT. Any person violating any provision of this ordinance within the corporate limits of the City of Abbeville, or within the police jurisdiction thereof, shall, upon conviction, be punished by a fine of not more than five hundred dollars (\$500.00), and/or may be imprisoned or sentenced to labor for the city for a period not exceeding six (6) months, at the discretion of the court trying the case. Provided, however, no penalty shall consist of a fine or sentence if imprisonment exceeding the maximum fine or sentence of imprisonment

established under state law for the commission of substantially similar offenses.

Section 5. SEVERABILITY. The provisions of this ordinance are severable. If any part of this ordinance is declared invalid or unconstitutional, such declaration shall not affect the part which remains.


Section 6. EFFECTIVE DATE. This ordinance shall become effective upon its approval by the City Council or upon its otherwise becoming law, but shall nevertheless be published as required by law and codified as part of the Code of Ordinances, City of Abbeville,

ADOPTED this 21st day of October, 1991.

CITY OF ABBEVILLE, ALABAMA, A  
MUNICIPAL CORPORATION

BY: Julia B. Bence  
JULIA B. BENICE, PRO TEMPORE

ATTEST:

  
CITY CLERK