

ORDINANCE

City of Portland, Tennessee

No. 21-06

Second Reading

AN ORDINANCE TO AMEND THE CITY OF PORTLAND MUNICIPAL CODE TITLE 7, FIRE PROTECTION AND FIREWORKS, BY ADDING CHAPTER 7, TITLED *OPEN BURN*

WHEREAS, the City of Portland has determined to amend the Municipal Code Title 7 by adding Chapter 7 titled *Open Burn* to control open burning within the City of Portland for the purpose of public safety; and

WHEREAS, The purpose of this chapter is to help prevent fires that may be hazardous to life and property, eliminate potentially dangerous accumulations of combustible materials, reduce environmental pollution, and to assist the City in eliminating unlawful, unnecessary and indiscriminate burning; and

WHEREAS, the City of Portland is hereby amending Title 7 by adding Chapter 7 as the following:

1. Open Burning Regulated. The open burning of combustible material by any person, firm or corporation is hereby prohibited unless exempted.
2. Compliance. It is the responsibility of anyone seeking to perform an open burn to ensure that they are meeting all the requirements of the EPA (Environmental Protection Agency), TDEC (Tennessee Department of Environmental Conservation), Tennessee Department of Agriculture/Forestry, and the City of Portland for which items are acceptable to burn, for all zoning and subdivision requirements, for all restrictive property covenants and HOA requirements, any current burn bans, or any weather conditions that may prohibit safe burning.
 - a. The person, or persons, whom shall be responsible for any consequences of action or for any damages, injuries or claims resulting from such burning, are responsible for seeing that all proper regulations, and safety precautions, are carried out.
3. Exceptions.
 - a. Fire used for cooking food, ceremonial or recreational purposes, including barbecues and outdoor fireplaces/fire pits, shall be exempted from the requirements contained herein as long as reasonable precautions are being made;
 - b. Open fires for the training and instruction of firefighting personnel;

- c. Open or contained fires conducted by the City;
 - d. Heating on construction projects, provided the burning is in a suitable container and area;
 - e. Commercial or industrial activities which are properly permitted;
 - f. Small burn piles of leaves, limbs, and tree debris that are generated from the property on which they are burned;
 - g. These exceptions do not include bon fires or commercial food preparation facilities and their operation;
 - h. There may be extenuating circumstances where the Fire Chief allows a controlled burn of items or debris.
4. Burn regulations. Unless the Fire Chief issues a burn ban, the regulations are as follows:
- a. All non-exempt burning shall be between the hours of 8:00 a.m. until sundown;
 - b. No burning shall be kindled or maintained on any private land unless adequate provision is made to prevent fire from spreading to any structure, or other property;
 - c. Open burning shall be constantly attended by a competent person, of at least 18 years old, until such fire is extinguished. Such person shall have a garden hose connected to the water supply, or other fire extinguishing equipment readily available for use;
 - d. No gasoline or motor oils are to be used as an accelerator, or fire starter;
 - e. No open burning of any kind should take place when winds are above 15mph;
 - f. The Fire Department should be contacted before conducting a non-exempt open burn.
5. Prohibitions. The following actions or burning of items are unlawful:
- a. Tires and rubber products;
 - b. Vinyl siding and shingles;
 - c. Asphalt shingles, other asphalt materials and demolition debris;
 - d. Building material, construction debris and mobile homes;
 - e. Plywood, oriented strand board and treated wood, including railroad ties;
 - f. Any material containing asbestos, or other material identified as hazardous or caustic;
 - g. Aerosol cans and food cans;
 - h. Commercial or industrial waste;
 - i. Explosive material, ammunition, or gun powder;
 - j. Electrical, communication, or other wiring;
 - k. Plastics and other synthetic material;
 - l. Paper products, cardboard and newspaper;
 - m. Household trash;
 - n. Storage of prohibited combustible materials in a residential area;
 - o. Commercial or industrial burn activities conducted within residential areas;
 - p. Burning any material related to a business activity or for profit;
 - q. Leaves, branches and trees that were not grown on site.

6. Violations and penalties. It shall be unlawful for any person to violate any of the provisions of this chapter or the Standard Fire Prevention Code herein adopted, or fail to comply therewith, or violate or fail to comply with any order made thereunder. Doing so may lead to City, County, State, or Federal penalties.

NOW THEREFORE BE IT ORDAINED, By the Mayor and Board of Alderman that this Ordinance shall amend the Municipal Code with these additions to Title 7, by adding Chapter 7 titled *Open Burn*; and

BE IT FURTHER ORDAINED, That this Ordinance shall become effective upon its passage, the public welfare requiring it.



Mike Callis, Mayor



Patricia Keen, City Recorder

First Reading: February 1, 2021
Second Reading: March 1, 2021