

ORDINANCE NO.: 2008-10-01

**AN ORDINANCE TO PROTECT THE HEALTH,
SAFETY AND GENERAL WELFARE OF THE
PERSONS AND PROPERTY WITHIN THE CITY
OF LEEDS BY REGULATING THE BURNING
PRACTICES OF DEVELOPERS TO CLEAR LAND FOR
DEVELOPMENT WITHIN THE CITY AND TO PROVIDE
PENALTIES FOR THE VIOLATION THEREOF.**

SECTION 1: TITLE

This ordinance shall be known and cited as the “City of Leeds Burning Ordinance” and shall supercede all City, County and State laws pertaining hereto to the fullest extent allowed by law.

SECTION 2: PURPOSE AND INTENT

The purpose of this ordinance is to protect the people and property within the City of Leeds against health, safety, environmental and fire hazards caused by the burning near roads, streets, places, vacant land, buildings and structures, both public and private. To promote the health, safety and general welfare of the community by regulating methods of burning of materials. To encourage alternative methods of disposing of natural and biodegradable materials.

SECTION 3: DEFINITIONS

1. “Alternative methods” means chipping, composting or recycling.
2. “Building” means a structure that has a roof and walls and stands more or less permanently in one place.
3. “Fire Chief” means the City of Leeds Fire Chief or the Chief’s representative.
4. “Open burning” means burning in open, outdoor fires where combustion air is not effectively controlled and combustion products are not effectively vented through a stack or chimney.
5. “Person” means any individual, corporation, business or association.

SECTION 4: PROHIBITIONS

All open burning for the purpose of clearing lots for new building construction and agricultural purposes, of any material shall be prohibited.

- A. Except as otherwise provided in this section, no person or business shall ignite or maintain, or cause or permit to be ignited or maintained, any open burning on public or private

property outside any building. Salvage, demolition operations or disposal of waste materials by burning is prohibited.

- B. Open burning shall be prohibited for land clearing and agricultural operations. Compliance with the provisions of this subsection shall not exempt any person from any damages or liability which may result from such open burning, nor exempt any person from adherence to all applicable laws, ordinance and regulations and orders of the chief of fire protection.

SECTION 5: GENERAL EXCEPTIONS

- A. Open fires may be set in the performance of official duties by the fire chief or his designee when necessary for any of the following purposes:
 - 1. For the abatement of a fire hazard which can not be abated by other means
 - 2. For training in firefighting or for research in control of fires under supervision of the fire chief or his designee.
 - 3. In an emergency or other extraordinary circumstances when open burning is determined by the fire chief to be in the public interest.
- A. Fires may be used for cooking food, provided no smoke violation or other nuisance is created.
- B. Salamanders and similar heating devices may be used for heating by outdoor workers provided no smoke hazard or other nuisance is created and provided that such devices are used not less than fifteen (15) feet from any structure.

SECTION 6: ENFORCEMENT

Any person who violates any provision of this Ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine up to and including Five Hundred and no/100 (\$500.00) DOLLARS. Each day that a violation occurs within the City of Leeds, Alabama, shall be considered a separate offense and shall be punishable as such under the provisions of this section.


Any person who violates any provision of this Ordinance shall, in addition to the foregoing, be subject to the following penalties upon conviction:

- A. Shall be liable for actual costs incurred by the City or its Agent to recover, repair or replace any public property, signage, equipment, public road /trail access and park facilities/landscaping, caused by fire damage or damage involving fire-containment.
- B. Shall be subject to any other remedies that are prescribed by law to address such violations.

That the provisions of this Ordinance shall become immediately effective upon its adoption.

ADOPTED this the 6th day of August, 2008.

APPROVED:

A handwritten signature in dark ink, appearing to read "James D. Whitfield".

Mayor

ATTEST:

A handwritten signature in blue ink, consisting of a stylized first name and a large, decorative initial.

City Clerk

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