

ORDINANCE NO. 1452

AN ORDINANCE AMENDING CHAPTER 5.20 OF THE  
EUREKA SPRINGS MUNICIPAL CODE REGARDING  
BURNING (~~OF GARBAGE OR REFUSE~~)

WHEREAS, because of safety reasons and the preservation of property, the City Council of the City of Eureka Springs has found that open burning within the city limits should be more closely monitored.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS:

Section 1: That Chapter 5.20 of the Eureka Springs Municipal Code is hereby amended to read as follows:

5.20.01 Prohibited. All open burning within the corporate limits of the City of Eureka Springs is prohibited except as may be allowed in compliance with Section 2.

5.20.02 Exceptions. The following are exceptions to the prohibition: (a) those permitted by the city as a result of a written request; (b) outdoor burning in connection with the preparation of food; and (c) all burning performed by the City under the supervision of the fire chief for the purpose of training city firefighting personnel or for fires required by a public health officer when it can be shown that such open burning is necessary and in the interest of public health and safety. In any case such burning should not cause any discharge of any air contaminate or visible emission that will be detrimental to health or property or adversely affect the use or enjoyment of property.

5.20.03 Requests for Burning. Any person desiring to burn leaves, brush or other refuse within the corporate limits of said city shall obtain a permit to do so from the City Fire Inspector prior to doing so. The request must be in writing and must state what is to be burned, where it is to be burned, why it is to be burned and the alternatives to burning. The City Fire Inspector is authorized to either issue the permit if it is determined the burning is safe, issue the permit with restrictions to insure a safe burning, or deny the permit because of safety reasons.

5.20.04 Penalty. Any person violating this chapter shall be deemed guilty of a misdemeanor and shall be subject to a fine not exceeding \$100.00 for each offense.

Section 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

Section 3. Whereas, because open burning poses a threat to the health, safety and welfare of the residents of this

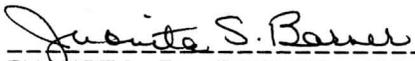
to the health, safety and welfare of the residents of this City an emergency is therefore declared to exist and this ordinance shall be if force and effect from and after is passage, approval and publication according to law.

PASSED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF EUREKA SPRINGS, ARKANSAS THIS 8<sup>th</sup> DAY OF October, 1991.

APPROVED:

  
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RANDY WOLFINBARGER, Mayor

ATTEST:

  
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JUANITA S. BARNER, Clerk