

ORDINANCE PROHIBITING OPEN BURNING IN THE CITY OF MADISON

WHEREAS, it has been found and determined by the Mayor and Board of Alderman of the City of Madison that the open burning of debris, construction residue, material from site development, and similar materials is both offensive and dangerous to the citizens of Madison; and

WHEREAS, it is further found that it is in the **best** interest of the City of Madison and its citizens that the City adopt and enforce rules and regulations prohibiting the open burning of any material within the City of Madison.

Section 1 - Prohibitions

No person shall kindle or maintain or authorize to be kindled or maintained any open burning within the City of Madison.

Exceptions:

1. Recreational fires
2. Bonfires (permit required)
3. Warming fires for construction sites

Section 2 - Definitions

Bonfire - An outdoor fire used for ceremonial purposes.

Open burning - The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney.

Recreational fires - An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill, or barbecue pit for pleasure, cooking, or similar purposes.

Rubbish (trash) - Combustible and noncombustible waste material including tree limbs, leaves, construction debris, paper, rags, cartons, metals, glass, and similar materials.

Warming fire - A fire at a construction site used solely for the purpose of providing warmth for workers when no other heat sources are available. These fires shall only burn untreated wood products in a 55 gallon drum or similar container. Warming fires shall only be used while the site is occupied and fires must be fully extinguished before site is vacated daily. These fires are only permitted when ambient temperatures fall below 50 degrees F. Warming fires may be prohibited and or caused to be extinguished by the Fire Official in the event of complaint or weather conditions that would preclude such burning.

Section 3 • Penalties

Any person found guilty of violating this ordinance shall be punishable by a fine not to exceed \$300.00 and/or 90 days in jail.

Section 4 - Special Conditions

When, in the opinion of the Mayor and Board of Alderman, it is found that due to severe natural disaster, that the suspension of **these** regulations is warranted, such action may be taken in order to allow burning of downed natural vegetation. This suspension shall be reviewed on a daily basis to determine need.

Section 5- Severability

In the event any section or provision of this ordinance is declared to be unenforceable by a court of competent jurisdiction, such shall not effect validity and enforcement of the remaining provisions hereof.

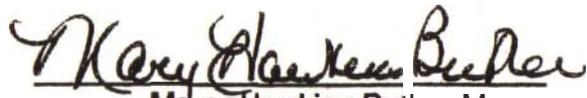
Section 6 - Effective Date

This ordinance shall take effect thirty (30) days from and after its passage as provided by law.

The above Ordinance was first reduced to writing and considered by the Sections at a Regular Meeting of the Mayor and Board of Aldermen on the 6th day of November 2004, and on motion duly made for the adoption of said Ordinance and seconded, a vote was taken as follows:

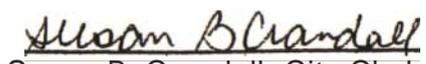
Alderman Tatum voted:	YEA
Alderman Peeler voted:	YEA
Alderman Prather voted:	YEA
Alderman Hickok voted:	YEA
Alderman Clingan-Smith voted:	YEA

Thereupon the Mayor declared the Ordinance duly adopted, this the 16th day of November 2004, and declared same to be in full force and effect according to law.



Mary Hawkins Butler, Mayor

Attest:



Susan B. Crandall, City Clerk