

ORDINANCE NO. 1793

ORDINANCE PROHIBITING THE BURNING OF MATERIALS OR MAINTAINING OF FIRES OUTDOORS WITHIN THE MUNICIPAL LIMITS OF THE CITY OF TALLADEGA, ALABAMA WITHOUT FIRST OBTAINING A BURNING PERMIT FROM THE TALLADEGA FIRE CHIEF.

BE IT ORDAINED BY THE CITY COUNTY OF THE CITY OF TALLADEGA, ALABAMA as follows:

SECTION 1. Purpose: This Ordinance is enacted to protect, preserve and promote the health, safety, welfare and peace of and for the citizens of the City of Talladega, Alabama through the control of open burning.

SECTION 2: Open Burning Permit:

- A.** This Ordinance shall be deemed to be effective as to all persons burning any materials or maintaining any fires within the City Limits of the City of Talladega, Alabama, other than:
1. Open fires for the cooking of food for human consumption, such as barbeques or grills.
 2. Fires set in outdoor fireplaces, salamanders or other devices used by construction or other workers for heating purposes.
- B.** Burning Permits for open fires, other than those described in Section 1(A) above, shall be obtained from the Fire Chief of the City of Talladega, Alabama or designated representative. Said Burning Permit shall include, but not limited to, contact information on the person responsible for the open burning, the proposed date and time of the burning, the volume and nature of the materials and restrictions and regulations of the open burn. No fee shall be required for the Burning Permit.
- C.** Burning of garbage, rubber, plastics, metals, shingles, treated lumber, or other hazardous materials is prohibited.

SECTION 3: Revocation of Burning Permit: A Burning Permit once issued may be revoked by the Fire Chief or designated representative if the person receiving the permit fails to comply with proper burning procedures or if it is determined that the permit holder did not meet all the criteria set forth on the application form for the issuance of a burning permit. Such burning permit may also be revoked if weather conditions develop after issuance which may result in erratic fire behavior or if the open burning creates a danger or serious nuisance for individuals or property.

SECTION 4: Penalties: Any person, firm or corporation violating the provisions of the Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 plus court costs plus any restitution as the Court may deem appropriate or by a jail sentence of up to six months.

SECTION 5: Severability: Each and every provision of this Ordinance is hereby declared to be an independent provision, and if any section, sentence, paragraph, clause, phrase or word of the Ordinance is for any reason held or declared to be unconstitutional, inoperative, invalid or void, such holding or invalidity shall not affect the remaining portions of this Ordinance, and it shall be construed to have been the intent of the City Council of the City of Talladega, Alabama to pass this Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance shall be deemed and held to be valid as if such part had been included herein.

SECTION 6: Effective Date: This Ordinance shall become effective upon its adoption and publication or posting as required by law.

APPROVED and ADOPTED, this the 2nd day of March, 2015

Council President Ricky Simpson

Councilman Jarvis Elston

Councilman Joe Ballow

Councilman Horace Patterson

Councilman Donnie Miller

City Manager Brian Muenger

Attested to by Elizabeth Cheeks, City Clerk