

AN ORDINANCE TO AMEND TITLE 7, CHAPTER 5 OF THE LEXINGTON MUNICIPAL CODE BY THE AMENDMENT OF SECTION 7-503 AND 7-507 AND BY THE ADDITION OF A NEW SECTION 7-507, OPEN BURNING REGULATED.

WHEREAS, the Board of Mayor and Aldermen of the City of Lexington adopted a Municipal Code for the purpose of maintaining current and consistent ordinances for the City of Lexington; and

WHEREAS, the Board of Mayor and Aldermen seek to control open burning within the City of Lexington through the granting of controlled burn permits,

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN FOR THE CITY OF LEXINGTON, TENNESSEE, that Title 7 of the Lexington Municipal Code be and is hereby amended by the amendment of sections 7-503 and 7-507 and by the addition of a new section 7-507 as follows:

7-503. Definition of “municipality.” Whenever the word “municipality” is used in the fire prevention code herein adopted, it shall be held to mean the City of Lexington, Tennessee.

7-507. Open Burning Regulated. The open burning of any garbage, trash, rubbish, leaves, grass, construction debris, waste materials or any other type of combustible material by any person, firm or corporation, without first having obtained written permission from the Chief of the Fire Department, is hereby prohibited.

1. Exceptions. Fire used for cooking food, ceremonial or recreational purposes, including barbecues and outdoor fireplaces, shall be excepted from the requirements contained herein. This exception does not include bon fires or commercial food preparation facilities and their operation.
2. Permits. The Fire Chief, in granting or denying such permission, shall take into consideration the following:
 - (a). All burning shall be between the hours of 9:00 a.m. until sundown, or as authorized by the Chief.
 - (b). No burning shall be kindled or maintained on any private land unless the location is not less than 50 feet from any structure and adequate provision is made to prevent fire from spreading within 50 feet of any structure, or the fire is contained in an approved waste burner located safely, not less than 15 from any structure.
 - (c). Open burning shall be constantly attended by a competent person, over 18 years of age, 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, kerosene, diesel, or flammable liquids or solids are to be used as an accelerator.
 - (e). The Fire Chief may prohibit any open burn when atmospheric conditions or local circumstances make such fires hazardous.

Permits will be valid for the period stated by the Fire Chief, or his designated representative. Prior to burning, the Permittee will call the Fire Department to inform them that a permit has been obtained and the Permittee is going to be burning.

The granting of an open burning permit shall in no way relieve the person responsible for such burning from the consequences or the damages, injuries, or claims resulting from such burning, or of the responsibility of obtaining any other permit from any other agency.

3. Prohibitions. It shall be unlawful to burn any of the following:
- (a). Tires and rubber products
 - (b). Vinyl siding and shingles
 - (c). Asphalt shingles and other asphalt roofing materials and demolition debris
 - (d). Building material, construction debris and mobile homes
 - (e). Plywood, oriented strand board and treated wood, including railroad ties
 - (f). Asbestos - containing materials
 - (g). Aerosol cans and food cans
 - (h). Copper wire and electrical wires
 - (i). Plastics and other synthetic materials
 - (j). Paper products, cardboard and newspaper
 - (k). Household trash
 - (l). Leaves, branches and trees not grown on site.

7-508. 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; or build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken; or fail to comply with such an order as affirmed or modified by the board of mayor and aldermen or by a court of competent jurisdiction, within the time fixed herein. The application of a penalty under the general penalty clause for the municipal code shall not be held to prevent the enforced removal of prohibited conditions.

This Ordinance shall take effect upon passage of its second and final reading.

First Reading passed: January 9, 2007

Second Reading passed: February 13, 2007

Jack Johnson, Mayor

ATTESTED BY:

Sue Wood, City Recorder