

**BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF POTTSVILLE, ARKANSAS,
AND AN ORDINANCE TO BE ENTITLED:**

**AN ORDINANCE REGULATING THE SETTING OF FIRES AND BURNING MATERIALS
WITHIN THE CITY LIMITS OF POTTSVILLE, ARKANSAS.**

**WHEREAS, the city of Pottsville has an interest in regulating the setting of fires and
burning. Burning potentially creates a danger to the citizens of Pottsville.**

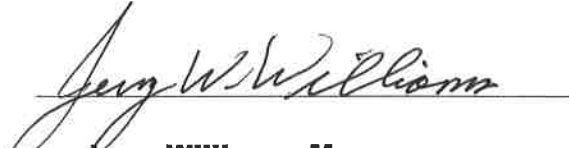
**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
POTTSVILLE, ARKANSAS.**

- 1. That it shall be unlawful to ignite or maintain any fire in violation of the
specific rules and regulations set out in this Ordinance.**
- 2. It shall be unlawful to openly burn any materials other than what is described
in Act 1157 of 1997 Arkansas Code which describes what is lawful for open
burning as being yard waste (definition of yard waste shall mean - grass
clippings, leaves, tree limbs, and shrubbery trimmings collected from
residential property.)**
- 3. Other fires authorized in accordance to Act 259 Section 1 (8). Fires used for
noncommercial cooking of food for recreational purposes including barbecues
and outdoor fire places in connection with any residence.
Fire set or authorized by any public officer, board, council, or commission for the
purpose for providing instruction in methods of fire fighting. (Must conduct
asbestos survey per A.D.E.Q.)
Open fire used at construction sites for the purpose of warming persons on the
site during cold weather. Such fires shall be fueled only by untreated wood or
wood products and must be contained within a container made of nonflammable
material that does not exceed 30 inches in width or length.**
- 4. Any other outdoor open use of fire for any other purpose shall be in violation of
this ordinance.**
- 5. That these rules are in addition to those set out in the State fire Prevention
code and the fire department may require extinguishment of the fire if a
complaint is received, such as smoke blowing into a person's house or other
results of the fire causing a nuisance or potential danger to home or property
owners.**
- 6. The provisions of this Ordinance are severable. If any section, subsection,
sentence, clause or phrase of this Ordinance is for any reason held to be**

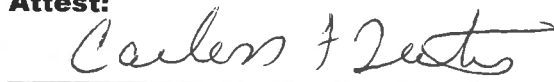
invalid or unconstitutional or if any application of any provision of this Ordinance to any person or circumstance is held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or applications, The City Council hereby declares its intent that it would have adopted this Ordinance and each section, subsection, sentence, clause or phrase not declared invalid or unconstitutional, without regard to whether any portion or application of the Ordinance would be subsequently declared invalid or unconstitutional.

7. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of the conflict with this Ordinance.
8. Anyone found to be in violation of this Ordinance shall be guilty of an unclassified misdemeanor. That person shall receive a fine and court costs of not less than \$25.00 nor more than \$250.00.

Passed and approved this 30 day of Sept., 2013.


Jerry Williams, Mayor

Attest:



City Clerk