

ORDINANCE NO. 03-05-2009 B

AN ORDINANCE AMENDING ELKINS' MUNICIPAL CODE  
CHAPTER 7.32 OPEN BURNING, DECLARING AN  
EMERGENCY TO EXIST AND FOR OTHER PURPOSES.

Whereas, the ice storm of January 26 and 27, 2009, created an extraordinary amount of tree, brush and shrubbery debris.

WHEREAS, a disaster has been declared by the Elkins' Mayor, the Governor of Arkansas and the President of the United States.

WHEREAS, the Federal Emergency Management Agency has issued a waiver to allow disposal of the storm debris by burning on an emergency basis.

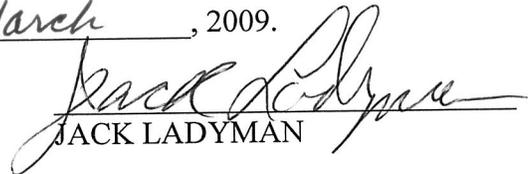
WHEREAS, the current open burning ordinance is unduly restrictive in certain situations and needs to be revised to avoid hardship to certain citizens/occupants of land.

BE IT ORDAINED BY THE CITY COUNCIL OF ELKINS; ARKANSAS, that

Section 1: Section 7.32.01 F is amended by adding the following to the existing language immediately after the work "dark". However, the Elkins' Fire Chief is authorized to issue a verbal variance from the strict application of the "out at dark" provision in situations where a continuous after dark burning with appropriate safeguards is necessary. This "out at dark" provision is expressly waived during any FEMA fire waiver period related to the January 2009 ice storm, and burning may continue after dark but in no event later than 10:00 o'clock p.m. during such FEMA fire waiver period.

Section 2: The January 2009 ice storm has created an extraordinary amount of tree, brush and shrubbery debris which if left to decay naturally will become a haven for vermin and rodents, become a collection point for surface waters and cause other unpleasant situations; the situation requires immediate attention and a prompt response. Therefore, in order to protect the health, safety and welfare of our citizens, an emergency is hereby declared and this ordinance shall be in full force and effect immediately upon passage.

PASS AND APPROVED this 5th day of March, 2009.

  
JACK LADYMAN

ATTEST:

  
SUNNY LEDFORD, Recorder-Treasurer