

ST. TAMMANY PARISH COUNCIL
ORDINANCE

ORDINANCE CALENDAR NO. 3810

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MR. DEAN

PROVIDED BY: COUNCIL ATTORNEY

INTRODUCED BY: MR. BURKHALTER

SECONDED BY: MR. STEFANCIK

ON THE 1ST DAY OF MAY 2008

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 14 NUISANCES, SECTION 14-003.00 FIRES FOR YARD DEBRIS, PARAGRAPH (B) THEREOF, TO RESTRICT THE OPEN BURNING OF LEAVES AND YARD DEBRIS WHEN LOCATED A DISTANCE OF ONE THOUSAND (1,000') FEET OR MORE FROM THE NEAREST DWELLING.

WHEREAS, pursuant to the provisions of La. R.S. 30:2057(C)(3) and La.R.S.33:1236(31) St. Tammany Parish is authorized to enact ordinances to prohibit or otherwise regulate the burning of trash, garbage, leaves, limbs and branches, or debris of any kind; and

WHEREAS, for the purpose of protecting the public health, safety and welfare, Section 8-018.00 of Article II of the St. Tammany Parish Code of Ordinances provides authority to Fire Protection Districts to serve notice upon any owner or occupant to abate any and all fire hazards that may be found; and

WHEREAS, in providing the appropriate authority to Fire Protection Districts, the Governing Authority of St. Tammany Parish also provided for an exception to that authority in the case of a controlled fire or open burning of leaves, trash and yard debris when the eight (8) enumerated guidelines are adhered to. The eight (8) guidelines or restrictions of Sec. 8-018.00 are identical to the restrictions set forth in subparagraphs one (1) through eight (8) of Sec. 14-003.00(A), which places the following additional restriction on the burning of yard debris: "(9) The fire shall not emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate Section 14-001.00 above;" and

WHEREAS, Sec. 14-003.00(B) currently provides that the enumerated restrictions, which includes restriction number nine (9), shall not apply to a controlled fire or open burning of leaves and yard debris when it is located a distance of one thousand (1000') feet or more from the nearest dwelling; and

WHEREAS, while the Governing Authority has determined that the open burning of a greater volume of leaves and yard debris is permissible when it is located a distance of one thousand (1000') feet or more from the nearest dwelling, such burning must not present a fire hazard or emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to constitute a nuisance in violation of Section 14-001.00.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Chapter 14 Nuisances, Section 14-003.00 Fire For Yard Debris, Paragraph (B) is hereby amended to provide as follows:

SEC. 14-003.00 Fires For Yard Debris

(A) Except as provided in (D) herein below, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber shall not be a violation of this Chapter, provided that:

- (1) The fire area shall not be greater than eight (8) feet in diameter;
- (2) The height of burning materials shall not be greater than four (4) feet;
- (3) Burning shall only occur between sunrise and one hour before sunset;
- (4) The fire site shall not be unattended;
- (5) A functional water hose shall be located next to the fire site;

- (6) The fire site shall be located at least 10 feet from the nearest property line;
- (7) There shall be no more than one (1) fire site per homesite or parcel of land;
- (8) The fire site shall be located at least fifty (50) feet from any structure, if nearer than fifty (50) feet from a structure a container must be used;
- (9) The fire shall not emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate Section 14-001.00 above.

A violation of any of the above restrictions may result in the fire site being considered a nuisance under this chapter.

(B) The above restrictions that are set forth in subparagraphs one (1) through eight (8) shall not apply in the event that the controlled fire or open burning of leaves and yard debris, as stated herein, is located a distance of one thousand (1000') feet or more from the nearest dwelling. However, such controlled fire or open burning of leaves shall not present a fire hazard and, as provided in subparagraph nine (9) herein above, shall not emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate Section 14-001.00 above.

(C) The provisions of this section are not intended nor shall they lessen the responsibility of all persons to abide by other ordinances of this Parish, and laws of this State governing the matters herein addressed.

(D) Prohibited. Notwithstanding the provisions of paragraph (A) herein above, the provisions of Section 8-018.01 or any other provision, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber in Council District 4 is strictly prohibited.

REPEAL: All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinances are hereby declared to be severable.

DATE OF ENACTMENT: This Ordinance shall become effective fifteen (15) days after adoption.

MOVED FOR ADOPTION BY _____, SECONDED BY _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT: