

ST. TAMMANY PARISH COUNCIL

ORDINANCE

ORDINANCE CALENDAR NO. 4122

ORDINANCE COUNCIL SERIES NO. 09-

COUNCIL SPONSOR: MR. GOULD

PROVIDED BY: COUNCIL OFFICE

INTRODUCED BY: _____

SECONDED BY: _____

ON THE 6TH DAY OF AUGUST, 2009.

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 14 NUISANCES, ARTICLE I, SECTION 14-003.00 FIRES FOR YARD DEBRIS, TO AMEND PARAGRAPH (D) THEREOF, PROHIBITING BURNING OF LEAVES AND YARD DEBRIS ON LOTS LESS THAN ONE (1) ACRE IN SIZE.

WHEREAS, in densely populated and developed areas of the Parish, the potential risk of fires caused by airborne embers from burning yard debris present a danger to life and property; and

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 leaves and yard debris.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that the St. Tammany Parish Code of Ordinances, Chapter 14 Nuisances, Article I, Section 14-003.00 Fires For Yard Debris, Paragraph (D) 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 subparagraph 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) hereinabove, 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) 1. 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.

2. 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 on any lot or parcel of land less than one (1) acre in size within any Parish approved subdivision 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:

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THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE _____ DAY OF _____, 2009 AND BECOMES ORDINANCE COUNCIL SERIES NO. 09-

JERRY BINDER, COUNCIL CHAIRMAN

ATTEST:

THERESA FORD, COUNCIL CLERK

KEVIN C. DAVIS, PARISH PRESIDENT

Published Introduction: July 30, 2009

Published Adoption: _____, 2009

Delivered to Parish President: _____, 2009 at _____

Returned to Council Clerk: _____, 2009 at _____