

SHERWOOD FIRE DEPARTMENT

Pulaski County Fire Protection District # 5

P.O. Box 6689 - Sherwood, AR 72124-6689

EMERGENCY 911 – NON-EMERGENCY 835-0342 – Fax 834-9437

Board of Commissioners: Mike Anderson Henry Gilkey Tom Brooks Michael Dupslaff Karen Jacob

Fire Chief: Frank T. Hill

Burn Permit Issuance

In order to provide a standard for all Burn Permit Issuance to all the persons in our fire district. The following procedures will be followed in order for anyone to obtain a burn permit.

1. All burn permits will be approved by the Fire Chief prior to issuance.
 2. An application will be filled out prior to starting the process of issuance unless an application has been filled out and approved prior.
 3. All applications shall be applied for in person at the Central Station unless prior arrangements have been made with the Fire Chief.
 4. All Permits will be issued for a one (1) to two (2) week period of time only.
 5. Permits will be issued to contractors and/or property owners for land clearing purposes for development of property only.
 6. No permit shall be issued for Open Burning except for what the Arkansas State Law provides information on, this is for Land Clearing Only.
 7. All fires shall be extinguished before dark this includes the embers.
 8. There will be NO BURNING if there is a burn ban in effect.
 9. Someone must be present at all times that the fire is burning and must have permit on site.
 10. There will be no burning of construction waste or trash or anything of this nature.
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Sherwood City Ordinance

ORDINANCE NO. 1317

SECTION 7: "Unlawful Acts"

No person shall cause or permit the open burning of refuse, solid waste (garbage), yard waste, landfill items or shall conduct a salvage operation by open burning. Emission of particulate matter from open burning shall follow the guidelines of the Arkansas Air Pollution Control Code, a division of the Air Pollution Control, Department of Pollution Control and Ecology.

Arkansas State Law Concerning Open Burning

8-6-1701. Definitions.

(1) "Open burning" shall mean, for the purposes of this subchapter, the incineration or combustion of waste materials as a method of disposal without any means to control the fuel/air ratio. None of the activities exempted from regulation as air pollution in § [8-4-305](#) or in regulations adopted by the Arkansas Pollution Control and Ecology Commission shall constitute "open burning", provided such activities do not cause a fire or safety hazard; and

(2) "Yard wastes" shall mean grass clippings, leaves, and shrubbery trimmings collected from residential property.

History. Acts 1997, No. 1151, § 1.

8-4-305. Exceptions.

The provisions of this subchapter do not apply to:

- (1) Agricultural operations in the growing or harvesting of crops and the raising of fowl or animals;
 - (2) Use of equipment in agricultural operations in the growing of crops or the raising of fowl or animals;
 - (3) Barbecue equipment or outdoor fireplaces used in connection with any residence;
 - (4) Land clearing operations or land grading;
 - (5) Road construction operations and the use of mobile and portable equipment and machinery incident thereto;
 - (6) Incinerators and heating equipment in or used in connection with residences used exclusively as dwellings for not more than four (4) families;
 - (7) Fires set or permitted by any public officer, board, council, or commission when the fire is set or permission to burn is given in the performance of the duty of the officer for the purpose of weed abatement, the prevention or elimination of a fire hazard, or the instruction of employees in the methods of fire fighting, which is necessary in the opinion of the officer, or from fires set pursuant to permit for the purpose of instruction of employees of private industrial concerns in methods of fire fighting, or for civil defense instruction; or
 - (8)(A) Unless prohibited by municipal or county ordinance, open fires used at a construction site only for the purpose of warming persons on the site during cold weather.
- (B) Such fires:
- (i) Shall be fueled only by wood or wood products;
 - (ii) Must be controlled to the extent necessary to prevent a fire hazard or local nuisance; and
 - (iii)(a) Must be confined within a container made of nonflammable material.
- (b) Said container shall not exceed thirty inches (30") in width and thirty inches (30") in length.

History. Acts 1949, No. 472, [Part 2], § 4, as added by Acts 1965, No. 183, § 7; A.S.A. 1947, § 82-1934; Acts 1997, No. 259, § 1.

8-6-1702. State policy concerning disposal of yard waste.

It is the policy of this state that the open burning of residential yard waste should be discouraged and that alternative methods of yard waste disposal should be developed and made readily available to all citizens. In enforcement of this policy, state and local governments should first pursue educational and voluntary compliance efforts, with punitive sanctions reserved as the last resort to address instances of localized nuisances, fire and safety hazards, or refusal to obey reasonable demands to cease open burning when alternative disposal methods are available.

History. Acts 1997, No. 1151, § 2.

8-6-1703. Restrictions on open burning of yard wastes.

- (a) The open burning of yard wastes is discouraged. Enforcement shall be through informal educational efforts, unless such efforts are proven to be manifestly ineffective in preventing specific instances of open burning.
- (b) No citation or civil fine shall be issued or levied against the owner of a private residence for the open burning of brush or yard waste unless such burning constitutes:
 - (1) A persistent or recurring offense to surrounding landowners, as determined by complaints to state or local officials;
 - (2) A fire hazard to surrounding property, as determined by appropriate local officials; or
 - (3) A safety hazard causing obscured vision on public roads or highways.

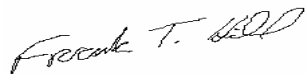
(c)(1) No citation or civil fine shall be issued or levied pursuant to the exception of subsection (b)(1) of this section unless first preceded by a warning order or other appropriate notification delivered to the alleged violator by certified mail, restricted delivery, or other appropriate mechanism of legal service, indicating that a local or state agency has received a complaint concerning open burning activities. Such order or notification need not reveal the identity of the complainants. This order or notification shall advise the alleged violator of alternatives to open burning of yard wastes.

(2) For the purposes of subsection (b)(1) of this section, "persistent or recurring" burning includes activities that are seasonal or annual. Each day of any event of open burning that continues following executed service of a warning order or notification may justify a citation or civil fine unless the alleged violator takes reasonably diligent measures to extinguish or control the fire.

(d) Nothing in this subchapter shall be construed as impairing the authority of local fire control officials to abate fire hazards through whatever regulatory mechanisms deemed necessary and appropriate.

(e) Nothing in this subchapter shall be construed as impairing the authority of the Arkansas Department of Environmental Quality to abate reasonably likely exceedances of National Ambient Air Quality Standards.

History. Acts 1997, No. 1151, § 3; 1999, No. 1164, § 87.



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