

By Order of the Fire Chief of the City of Jacksonville

Open Burning

Open burning of leaves, trash, or any other debris is not authorized at any time in the City limits of Jacksonville, Arkansas. In order to increase fire safety, decrease unnecessary air pollution, and maintain compliance with several local, state, and federal statutes, open burning is not authorized.

There are exceptions; however, you're responsible to ensure there is no Pulaski County burn ban before the following "Exceptions" may be authorized. You must view the following website: <http://www.arkfireinfo.org/index.php?do:showBurnBans>

Exceptions:

1. Fires used for the non-commercial cooking of food or for ceremonial or recreational purposes, including barbecues and outdoor [built in, non-portable, NFPA and Arkansas Fire Prevention Code compliant] fireplaces, used in connection with any residence;

- [Outdoor fireplaces shall be fueled only by wood or wood products, and resident must have fuel completely screened at all times and supervised until completely extinguished.]

2. Controlled fires used only for purposes of on-site land clearing operations, of which the owner has a minimum of five (5) acres.

3. Open burning of any material not elsewhere specifically prohibited or exempted and for which there is no practical, safe, or lawful means of disposal; except that no person shall cause or permit such open burning without first obtaining a letter of authorization for open burning from the Director [Director of ADEQ] in accordance with the provisions as set forth in Reg. 18.605.

Open Burning:

The Jacksonville Municipal Code Book, 8-6-1701 defines the following:

"**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 excepted from regulation as air pollution 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."

"**Yard Waste**" shall mean grass clippings, leaves, and shrubbery trimmings collected from residential property."

The Jacksonville Municipal Code Book, Environmental Law, 8-6-1702 states the following:

"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."

CONCLUSION: Since Jacksonville has an alternative method of yard waste disposal by providing pick up of residential yard waste; open burning of yard waste is neither necessary nor authorized.

The 2007 Arkansas Fire Prevention Code, Fire, Chapter 3 states the following:

"The fire code official is authorized to order the extinguishment by the permit holder, another person responsible or the fire department of open burning that creates or adds to a hazardous or objectionable situation."

CONCLUSION: Jacksonville Fire Department does not provide permits to burn. You may apply for a permit from ADEQ via Regulation 18.605, if you qualify.

The Arkansas Department of Environmental Quality, Reg. 18.602 states the following:

"No person shall cause or permit the open burning of refuse, garbage, trade waste, or other waste material, or shall conduct a salvage operation by open burning."

The Arkansas Department of Environmental Quality, Reg. 18.603 states the following:

"Open burning of any material not elsewhere specifically prohibited or exempted in this chapter and for which there is no practical, safe, or lawful means of disposal; except that no person shall cause or permit such open burning without first obtaining a letter of authorization for open burning from the Director [Director of ADEQ] in accordance with the provisions as set forth in Reg. 18.605."

The Arkansas Department of Environmental Quality, Reg. 18.605 states the following:

"Upon application, the Department [Arkansas Department of Environmental Quality] shall issue letters of authorization for open burning, provided that the applicant affirmatively demonstrates to the satisfaction of the Department, that there are no practicable, safe, and lawful alternative methods of disposal and that open burning is absolutely necessary and in the public interest and provided, further, that said applications contain such other information as the Department may reasonably require. Only letters of authorization issued by the Department satisfy this chapter. Open burning permits may also be required by the local public officers, boards, councils, or commissions for safety or other purposes; however, those permits do not satisfy the requirement to obtain an authorization under this chapter."

CONCLUSION: If there is no practical, safe, and lawful alternative methods of disposal, and open burning is absolutely necessary and in the public interest, then one must obtain a permit to burn from the Director of ADEQ. Jacksonville Fire Department does not provide permits to burn as we have no authority to override state law.

ADEQ defines the following:

"Department" means the Arkansas Department of Environmental Quality, or its successor. When reference is made in this regulation to actions taken by or with reference to the Department, the reference is to the staff of the Department acting at the direction of the Director.

"Director" means the director of the Department, or its successor, acting directly or through the staff of the Department.

"Garbage" means rejected food waste including waste accumulation of animal, fruit, or vegetable matter used or intended for food or that attend the preparation, use, cooking, dealing in or storage of meat, fish, fowl, fruit, or vegetable.

"Incinerator" means all devices by which garbage, refuse, or other combustible material is reduced in volume by a combustion process in which the fuel/air ratio is or can be controlled so that the remaining solid residues contain little or no combustible material.

"Open fire" or "open burning" means a fire in which a material is burned in the open or in a receptacle having no means for significantly controlling the fuel/air ratio.

"Refuse" means any combustible waste material containing carbon in a free or combined state, other than liquid or gases.

"Salvage" means an operation conducted in whole or in part for the reclaiming of any product or material.

"Trade waste" means any solid, liquid, or gaseous material resulting from construction of the prosecution of any business, trade or industry, or any demolition operation including, but not limited to, plastics, cardboard cartons, grease, oil, chemicals, and cinders.