

ORDINANCE NO: 2014-021

**AN ORDINANCE OF THE CARENCRO CITY
COUNCIL AMENDING THE CARENCRO BURN
CONTROL CODE TO PROHIBIT THE OUTSIDE
BURNING OF COMBUSTIBLE MATERIALS ON
PROPERTY LOCATED WITHIN CARENCRO'S
CORPORATE LIMITS**

BE IT ORDAINED by the City Council of the City of Carencro, that:

SECTION 1:

In order provide that the Carencro Burn Control Section of the Carencro Code of Ordinances (Code) hereafter prohibits the outdoor burning of combustible materials upon property located within the corporate limits of the City of Carencro, Chapter 26, "Fire Prevention and Protection", Article IV, "Burn Control Code", of the Code is hereby amended as described herein below.

SECTION 2:

In consideration of SECTION 1 herein above, Chapter 26, "Fire Prevention and Protection", Article IV, "Burn Control Code", Section 26-103, "Exceptions", of the Code is hereby amended such that said Section shall hereafter read as follows:

"Outdoor burning of combustible material may be conducted in situations enumerated in this section if no public nuisance is created, and if all of the following conditions are adhered to. **Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth which produce unreasonable amounts of smoke may not be burned, nor may these substances be used to start a fire.** This does not exempt or excuse the person responsible for damages from the burning.

- (1) Outdoor burning in connection with the preparation of food.
- (2) Campfires and fires used solely for recreational purposes or for ceremonial occasions.
- (3) **The following exceptions may be conducted only where the Carencro Fire Chief ("Chief") has been provided notice of said burn at least 24 hours in advance of same, the Chief has granted, in writing, permission for such burn, and the specific recommendations of the Chief are followed to conduct the burn at issue.**
 - a. Fires purposely set to forest lands for a specific forest management purpose in accordance with practices acceptable to the state forestry commission.

- b. Fires purposely set on agricultural lands for a specific management purpose in accordance with practices acceptable to the state department of agriculture.
- c. Outdoor burning in an rural park or rural recreation area of trees, brush, grass, and other vegetable matter for game management purposes in accordance with practices acceptable to state parks and recreation commission and state wildlife and fisheries commission.
- d. The operation of contrivances using open flames such as welding torches, blow torches, portable heaters, and other flame-making devices.”

In further consideration of SECTION 1 herein above, Chapter 26, “Fire Prevention and Protection”, Article IV, “Burn Control Code”, Section 26-104, “Burning of trees, brush and other vegetable matter”, of the Code is hereby amended such that said Section shall hereafter read as follows:

“Outdoor Burning, in other than rural park or rural recreation areas, of trees, brush, grass, and other vegetable matter from such areas in land clearing and right-of-way maintenance operations shall **not** be permitted.”

In further consideration of SECTION 1 herein above, it is hereby ordained that Chapter 26, “Fire Prevention and Protection”, Article IV, “Burn Control Code”, Section 26-106, “Burning of waste hydrocarbon products”, of the Code is hereby deleted in its entirety.

SECTION 3:

This ordinance shall become effective immediately upon return of the ordinance to the City Clerk (after execution by the Mayor), on the tenth (10th) day after receipt of the ordinance by the Mayor without signature or veto, or upon an override of a veto, whichever occurs first

SECTION 4:

If any provision or portion of a provision of this ordinance is held to be unconstitutional, preempted by federal or State law, or otherwise invalid by any court of competent jurisdiction, the remaining provisions of the ordinance shall not be invalidated, unless said provisions cannot be interpreted to substantially fulfill the policy and purposes set forth herein, or should any interpretation thereafter of all or a portion of the remaining provisions of this Ordinance lead to a ludicrous result, in which event that portion or all of the remaining portions of this Ordinance shall be construed to be null and void.

SECTION 5:

Any City of Carencro ordinance or parts thereof in conflict herewith are hereby repealed to the extent of said conflict.