

**ORDINANCE NO. 2021-22**

**CITY OF BELLA VISTA, ARKANSAS**

**AMENDING SECTION 10-38 *OPEN BURNING OF MATERIAL OTHER THAN STRUCTURES* OF THE CODE OF ORDINANCES OF THE CITY OF BELLA VISTA TO PROVIDE FOR MINIMUM PENALTIES FOR VIOLATION, FOR CLARIFICATION REGARDING INSPECTIONS PRIOR TO THE ISSUANCE OF A PERMIT, AND FOR OTHER PURPOSES**

**WHEREAS**, Section 307 of the Arkansas Fire Prevention Code provides certain regulations regarding open burning; and

**WHEREAS**, clarification of Section 10-38 regarding site inspections is warranted; and

**WHEREAS**, given the potential serious nature of uncontrolled fire, certain minimum mandatory penalties should be enacted for a violation of the Section;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF BELLA VISTA, ARKANSAS:**

**SECTION 1:** Section 10-38 *Open Burning of Material Other than Structures* of the Code of Ordinances of the City of Bella Vista is hereby amended so that, after amendment, the Section shall read as follows:

“Sec. 10-38. Open Burning of Material other than Structures.

- (a) Except when using outdoor fireplaces, fire pits, outdoor cooking grills, smokers, or similar devices designed for the controlled use of fire, no person shall openly burn any item or material allowed to be burned and not otherwise regulated in sections 10-32 through 10-37 without first contacting the Bella Vista Fire Department for the issuance of a permit pursuant to Section 307 of the Arkansas Fire Prevention Code. Prior to issuing said permit, the Fire Chief, or the Fire Chief’s designee, may direct an inspection of the proposed site of the burn.
- (b) No open burning regulated by this section shall be conducted after sunset, nor shall any open burning be conducted without the physical presence of a person on site to monitor the burning for as long as open flames are visible. A water source or heavy equipment sufficient to control the fire shall also be readily available during the burn.
- (c) No open burning regulated by this section shall be conducted in such a manner as to cause unreasonable encroachment of smoke or heat onto neighboring properties.

(d) Penalty. The fine for violation of this section shall not be less than \$500.00 for a first offense, and not less than \$1,000.00 for a second or subsequent offense.”

Motion to approve by Mr. Wozniak, second by Fowler. Ayes: 5 Nays: 0

ADOPTED THIS 26<sup>TH</sup> DAY OF JULY, 2021.

APPROVED:

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PETER CHRISTIE  
MAYOR

ATTEST:

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WAYNE JERTSON  
CITY CLERK

Requested by: Council Member Jerry Snow  
Prepared by: Jason Kelley, Staff Attorney

**THIS PUBLICATION WAS PAID FOR BY THE CITY OF BELLA VISTA, OFFICE OF CITY CLERK. THE AMOUNT PAID FOR THE PUBLICATION WAS \_\_\_\_\_.**