

ORDINANCE NO. 3402

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLUMBIA,

TENNESSEE:

WHEREAS, the City of Columbia, Tennessee, establishes controls on open burning so as to prevent undesirable levels of air contaminants in the atmosphere;

Section 1: Definitions

- a. "Air Curtain Destructor" is a portable or stationary combustion device that directs a plane of high velocity forced draft air through a manifold head into a burn chamber with vertical walls in such a manner as to maintain a curtain of air over the surface of the burn chamber and a recirculating motion of air under the curtain. The use of an air curtain destructor is considered controlled open burning subject to opacity requirements as stated elsewhere.
- b. "Air Pollution Emergency Episode" is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.
- c. "Garbage" is defined as putrescible animal or vegetable waste resulting from the processing, storage, serving, or consumption of food.
- d. "Open Burning" is the burning of any matter under such condition that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.
- e. "Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, an agency, authority, commission, or department of the United States government, or of the State of Tennessee government; or any other legal entity, or their legal representative, agent, or assigns.
- f. "Refuse Collection Service" is a public or private operation engaged in rubbish and/or garbage collection, transportation, and disposal in a registered sanitary landfill.
- g. Registered Sanitary Landfill is defined as one approved by the Tennessee Department of Health and Environment, Division of Solid Waste Management, to which a registration number has been assigned.
- h. "Rubbish" is defined as residential paper and cardboard products and packaging.

- i. “Wood Waste” is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips and chemically untreated lumber whose “disposition” by open burning is to solely get rid of or destroy. Leaves that are not still on limbs are not considered wood waste.
- j. “Fuel Oil” is defined as having a lower ignition temperature than kerosene. Kerosene has a ignition temperature of 444 degrees F. (Kerosene/diesel fuel is acceptable.)
- k. “Air Pollution ‘Emergency Episode’” is defined as air pollution alerts, warnings, or emergencies declared by the Tennessee Division of Air Pollution Control during adverse air dispersion conditions that may result in harm to public health or welfare.
- l. “Public Nuisance” is defined as a condition of things which is prejudicial to the health, comfort, safety, property, sense of decency, or morals of the citizens at large, resulting either from an act not warranted by law, or from neglect of a duty imposed by law.

#### Section 2: Open Burning Prohibited

- 1. No person shall cause, suffer, allow, or permit open burning except as specifically exempted by Section 3, Exceptions to Prohibition.
- 2. Open burning except for the exemptions contained in Section 3 will not be allowed in any area where the open burning would interfere with the attainment or maintenance of the State of Tennessee air quality standards.
- 3. No open burning shall be allowed in any non-attainment or additional control area that might be affected by applicable contaminants from such open burning, nor any location within one half (1/2) miles of such a non-attainment or additional control area.
- 4. The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited.
- 5. No open burning shall be allowed when the Governor has placed a ban on open burning.

#### Section 3: Exceptions to Prohibition

- 1. Open burning, as listed below, may be conducted subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. As a general rule, open burning will not be permitted except between sunrise until one hour before sunset. Open burning must be conducted when

ambient conditions are such that good dispersion of combustion products will result. This grant of exception shall in no way relieve the person responsible for such burning from the consequences, damages, injuries, or claims resulting from such burning.

- a. Fires used for cooking of food or for ceremonial, recreational, or comfort heating purposes, including barbecues and outdoor fireplaces. This exception does not include commercial food preparation facilities and their operation.
- b. Fires set at the direction of law enforcement agencies or courts for the purpose of destruction of controlled substances and legend drugs seized as contraband.
- c. Fires set by or at the direction of responsible fire control persons solely for training purposes: such as for fire service training at fire academies or for local fire department training, or directed at the prevention, elimination, or reduction of fire hazards. However, routine demolition of structures via supervised open burning by responsible fire control persons will not be considered fire training or elimination of a fire hazard.
- d. Fires used to clear land consisting solely of vegetation grown on that land for agricultural, forest, or game management purposes. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.
- e. Fires used to clear land when trees and brush are piled may require that an air curtain destructor be used when the amount or distance of such burn is less than 500 feet to an airport, hospital, nursing home, school, Federal or State highway and/or residences. The Fire Chief or his designee will make the determination when the air curtain destructor is required.
- f. Fires disposing of "wood waste" solely for the disposition of such wood waste as provided in T.C.A. 68—25—115©. Priming materials used to facilitate such burning shall be limited to #1 or #2 grade fuel oils.
- g. Fires for the burning of bodies of dead animals, including poultry, in accordance with T.C.A. 44—2—1302, and where no other safe and/or practical disposal method exists.
- h. Smokeless flares or safety flares for the combustion of waste gases, provided other remaining applicable conditions of these regulations are met.
- i. Such other open burning as may be approved by the Tennessee Air Pollution Control Division where there is no other practical, safe, and/or

lawful method of disposal. Documentation demonstrating where the general open burning regulations cannot be met must be submitted.

#### Section 4: Permits for Open Burning

1. Open Burning may be conducted only when authorized by a specific permit issued by the City of Columbia and approved in writing by the Columbia Fire Department before burning commences and then only when done in conformity with the following conditions and any special conditions and terms of the permit:

- a. Exempt from permits are Section 3: a, b, and c
- b. As a general rule, open burning will only be permitted between sunrise and until one hour before sunset.
- c. All material to be burned must be dry and in all other respects be in a state to sustain good combustion.
- d. No fire shall be ignited while any air pollution emergency episode is in effect in the area of the burn.
- e. Open burning must be conducted when ambient conditions are such that good dispersion of combustion products will result.
- f. Application for open burning permits shall be made on forms available from the City of Columbia, City Records Office, 707 North Main Street and shall be submitted no later than ten (10) days prior to commencing open burning. Failure to submit completed forms or to supply requested supplementary information concerning a proposed open burning operation shall constitute just cause for refusing issuance of a permit.
- g. An open burning permit shall be subject to revocation if fire is deemed by the City of Columbia Fire Department to jeopardize public health or welfare, or create a public nuisance or safety hazard.
- h. Obtaining an open burning permit as required does not relieve any person of the responsibility to obtain a permit required by any other agency, or of complying with other requirements set forth by other such agencies.

#### Section 5: Penalties for Failure to Comply

Failure to obtain a valid open burning permit from the Columbia Fire Department or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this ordinance and such corrective/punitive measures that may be deemed appropriate by the City of Columbia Fire Department. Schedule for equipment and manpower listed below with a one hour minimum for each incident:

Fire Apparatus \$45 per hour per apparatus

Firefighters \$15 per hour per person

Materials At cost

PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF  
COLUMBIA, TENNESSEE, this the 5th day of April, 2001.

  
BARBARA MCINTYRE-MAYOR

ATTEST:

  
BETTY R. MODRALL-CITY RECORDER

LEGAL FORM APPROVED:

  
BILLY C. JACK-CITY ATTORNEY

Passed on 1<sup>st</sup> reading: 3/01/01

Passed on 2<sup>nd</sup> reading: 3/15/01

Passed on 3<sup>rd</sup> reading: 4/05/01