

**RESOLUTION NO. R-2022-06**

**A RESOLUTION OPEN BURNING REQUEST FOR THE CITY OF FAYETTEVILLE**

**WHEREAS**, pursuant to Municipal Ordinance 7-201, the City of Fayetteville has adopted portions of the International Fire Code as the fire code for the City of Fayetteville; and

**WHEREAS**, provisions of the International Fire Code adopted by the City of Fayetteville regulate the issuance of burn permits as well as the use of recreational fires such as outdoor fireplaces and bonfires; and

**WHEREAS**, Municipal Ordinance 7-205 authorizes the Chief of the Fayetteville Fire Department to recommend to the Board of Mayor and Aldermen modifications from the provisions of the fire prevention code when there are practical difficulties in carrying out the strict letter of the code which the Board may grant by resolution; and

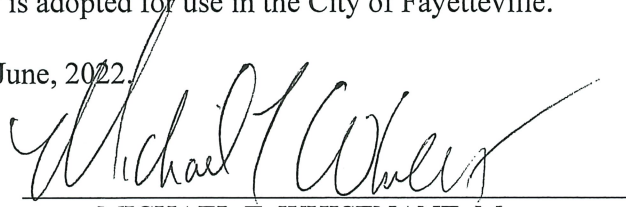
**WHEREAS**, the Chief of the Fayetteville Fire Department has submitted a proposed policy for Open Burning Requests which would modify the provisions of the International Fire Code adopted by the City of Fayetteville regarding the issuance of permits for open burning and for recreational fires in the City of Fayetteville; and

**WHEREAS**, the Board deems it appropriate to adopt the policy for Open Burning Requests submitted to the Board by the Chief of the Fayetteville Fire Department.

**NOW, THEREFORE, IN CONSIDERATION OF THE FOREGOING, BE IT RESOLVED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FAYETTEVILLE, TENNESSEE, THAT:**

The attached Open Burning Request policy is adopted for use in the City of Fayetteville.

Approved and adopted this the 14<sup>th</sup> day of June, 2022.



MICHAEL T. WHISENANT, Mayor

ATTEST:



Kevin Owens, City Clerk



# Fayetteville Fire Rescue

300 Market St. West  
Phone: 931-433-6563

Fayetteville, TN 37334  
Fax: 931-433-1313



## Open Burning Request

**GUIDELINE NUMBER: BRG-0045**

**EFFECTIVE DATE: TBD**

### Purpose:

To provide a guideline for Fayetteville Fire Rescue personnel to address requests for burning inside the Fayetteville City limits.

### Objective:

To ensure that all requests are addressed in a uniform manner.

### Scope:

This guideline shall be followed on all requests.

### Responsibility:

It is the responsibility of all Fayetteville Rescue personnel to comply with this guideline.

### Guideline:

It shall be the guideline of the Fayetteville Fire Rescue for its personnel to handle all verbal and written requests for burning in the following manner:

*Station 1*  
300 Market Street West  
931-433-6563

*Station 2*  
4131 Thorton Taylor Parkway  
931-433-6883

1. When asked, by the public via phone, in person, written or by radio, about burning leaves, brush piles, garbage, buildings, garden spots, fence rows, bonfire and fires of any kind, Fire Department personnel shall respond by explaining that the City of Fayetteville has a burn ordinance that must be followed to allow for burning.
2. A burn permit shall be issued to the responsible party in the event all areas of the burn ordinance have been met.
3. If all areas of the burn permit ordinance cannot be met, the city's representative shall not issue the permit for a burn.
4. Any burning done will be at the owner's own risk and that he/she will be responsible/liable for all damages incurred. Upon discretion of a commanding officer, the Fire Department will extinguish or have extinguished any burning that is illegal, considered a nuisance, or poses a danger to any person and/or property.
5. All expenses incurred (excavating equipment, fire foam, water, etc.) for extinguishing the blaze will be billed to the responsible party who started the fire and/or the property owner.
6. If there is an order by the Governor of the State of Tennessee that bans open burning in Fayetteville or Lincoln County, Fayetteville Fire Department personnel shall fully enforce this order of the law. No permits shall be issued during this ban.
7. Responsible parties shall also be advised that the burning of any petroleum-based products such as tires, roofing materials, vinyl siding and other products is illegal, and that the owner **MAY** be prosecuted by the EPA (Environmental Protection Agency) for air pollution violation.

Fire Department officers must use their discretion when contacting EPA to report potential violations. The EPA addresses each incident as a punishable event. Should officers feel that illegal products were burned without regard for the laws or the responsible party has been warned in the past, EPA should be notified of the offense at the earliest convenience.

## Burn Permits Requirements

Phone request for Open Burn Permits is available Monday-Sunday 8am- 4 pm only. After hours request may be rejected.

- Open Burn permits are **REQUIRED** for residents within the City of Fayetteville to safely burn tree limbs and brush.
- The limbs and brush **MUST** be indigenous to the site of the burn, meaning, it must have been grown there.
- Material to be burn **CANNOT** be shipped to the site of the burn and **CANNOT** include any building wood or other construction.
- No open burning at construction at construction sites without a Commercial Burn Permit and use of air-curtain destructor.
- **Weather conditions dictate the approval of burn permits. NO burning will be allowed when sustained winds are above 10 mph. Due to the changing conditions, permits will not be issued more than 24 hours in advance. For example, to request an open burn permit for Saturday, the request cannot be made before Saturday.**
- Open burning without a permit will be deemed a violation and subject to a fine of \$250.00 for malicious burning.

Excerpts below are from the 2018 International Fire Code (IFC) as adopted by the City of Fayetteville Ordinance # 7-201

## **OPEN BURNING RULES**

**OPEN BURNING.** The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

**RECREATIONAL FIRE.** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**Open burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. **IFC 2018 105.6.30**

**Exception: Recreational Fires.** (See Recreational/ Fire Pits requirements by City of Fayetteville)

**General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 3071.1 through 3075. **IFC 2018 307.1**

**Prohibited open burning.** Open burning shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous. **IFC 2018 307.1.1**

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

**Permit required.** A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

**Extinguishment authority.** When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation. **IFC 2018 307.3**

**Location.** The location for open burning shall not be less than 50 feet from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. **IFC 2018 307.3**

**Exceptions:**

1. Fires in approved containers that are not less than 15 feet from a structure.
2. The minimum required distance from a structure shall be 25 feet where the pile size is 3 feet or less in diameter and 2 feet or less in height.

**Bonfires.** A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition **IFC 2018 307.1.1**

**Recreational fires.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. **IFC 2018 307.1.1**

**Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 25 feet of a structure or combustible material. **IFC 2018 307.2**

**Attendance.** Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization. **IFC 2018 307.4**

***Burn Permits can be obtained by calling the Fayetteville Fire Rescue and making application. A representative will come to, survey, and approve the burn site if all requirements are met. Fayetteville Fire Department DOES NOT issue out-of-city permits. There are no fees for burn permits.***

## Fire Pits Requirements

- *Residences in the City of Fayetteville will not need a permit every time they would like to burn in an approved outdoor fireplace, just a yearly permit is required. Permits are valid from Jan 1<sup>st</sup> through Dec 31<sup>st</sup> of the same year.*
- *The owners should always follow manufacturer's instructions and guidelines.*
- *Portable Outdoor Fires & recreational fire must be at least 25ft from any structure. Must not have fewer than one portable fire extinguisher complying with section 906 of the IFC 2018 fire code with a minimum rating or other approved on-site fire extinguishing equipment, such as loose dirt, water source with hose, shall be available for immediate utilization.*
- *All fires must be attended to and under the direct supervision at all times of a person or persons that have sufficient capability and equipment to provide for completely extinguishment.*
- *The Fire Chief has the authority to provide additional supplemental conditions, written on the permit, when in the best interest of the health, safety, and welfare of the City of Fayetteville.*

---

Authentication:

*Tony Kimbrough*, Fire Chief

TBD

Review/Revision Dates:

---