

**ORDINANCE NO. 3 OF 2008 AMENDING
THE TOWN OF PORT BARRE'S ORIGINAL CODE OF ORDINANCES
PART 8, CHAPTER 1, SECTION 8-1006 REGARDING TRASH BURNING**

Sec. 8-1007 Penalty

Failure to comply with any one or more of the provisions of this article shall subject the violator to a fine of \$100.00 for the first offense, \$200.00 for the second offense, \$300.00 for the third offense and \$500.00 for any such offense subsequent thereto.

Sec. 8-1008 Outdoor burning prohibited and/or restricted.

No person shall cause or allow the outdoor burning of waste material or other combustible material, on any property owned by him or under his control except as provided in this article. Further, no person shall cause or allow the burning of any abandoned homes, mobile homes or any other structures owned by him or under his control within the corporate limits of the Town of Port Barre.

Sec. 8-1009 Exceptions

Outdoor burning of waste material or other combustible material may be conducted in situations enumerated in this section if no public nuisance is created, and if all the following conditions are adhered to. 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 as long as said campfires and recreational fires are contained in a fire ring or proper container, i.e., outdoor chimney, wood burning stoves, etc.
- (3) Fires purposely set to forest lands for a specific forest management purpose in accordance with practices acceptable to the state forestry commission.
- (4) Fires purposely set on agricultural lands for a specific management purpose in accordance with practices acceptable to the state department of agriculture.
- (5) Outdoor burning in a 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.
- (6) Small fires, by tradesmen and contractors, in such activities as street repair or installation of repair of sewer, water, electric, or telephone mains and services.
- (7) The operation of contrivances using open flames such as welding torches, blow torches, portable heaters, and other flame-making devices.

Sec. 8-1010 Burning of trees, brush and other vegetable matter.

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 be permitted if the following conditions are met:

- (1) The town officials, fire and police departments are given written notice of the date, time and place of said burning.
- (2) Prevailing winds at the time of the burning must be away from any city or town, the ambient air of which may be affected by smoke from the burning. Burning will not be permitted with winds in excess of ten (10) mph.
- (3) The location of the burning must be at least 1,000 feet from any dwelling other than a dwelling or structure located on the property on which the burning is conducted.
- (4) Care must be used to minimize the amount of dirt on the material being burned.
- (5) Heavy oils, asphalt 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.
- (6) The burning may be conducted only between the hours of 8:00 a.m. and 5:00 p.m.
- (7) The burning must be controlled so that a traffic hazard is not created.

The outdoor burning of small shrubs, brush or leaves may be conducted if the aforementioned is placed in a 55 gallon or larger metal drum where it can be controlled.

Sec. 8-1011 Fires for training firefighters or testing equipment.

Fire purposely set as a part of an organized program of drills for the training of firefighting personnel or for testing firefighting materials or equipment shall be permitted if the following conditions are met:

- (1) The duration of the burning is held to the minimum required for such purposes.
- (2) The burning is conducted only between the hours of 8:00 a.m. and 5:00 p.m.
- (3) The burning is controlled so that a traffic hazard is not created.

Sec. 8-1012 Burning of waste hydrocarbon products.

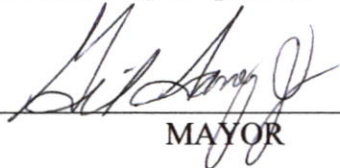
Outdoor burning of waste hydrocarbon products may be conducted at the site of origin when it is not practicable to transport the waste products for sale or reclamation, or to dispose of them lawfully in some other manner. This burning shall be conducted under the following conditions:

- (1) The location of the burning must not be within or adjacent to a city or town in such proximity thereto that the ambient air of the city or town may be affected by smoke from the burning.
- (2) The burning must be conducted only between the hours of 8:00 a.m. and 5:00 p.m.
- (3) The burning must be controlled so that a traffic hazard is not created.

Said Ordinance having been introduced on April 1, 2008 by Alderwoman Sharkey, notice of public hearing having been published on Sunday, April 6, 2008 and Sunday, April 13, 2008; said public hearing having been held, the title having been read and the Ordinance considered, on motion by Alderman LeJeune, seconded by Alderman Soileau to adopt the ordinance, a record vote was taken and the following result was had:

YEAS: Marks, LeJeune, Soileau, Sharkey and Mobile
 NAYS: None
 ABSENT: None

Whereupon, the presiding officer declared the above Ordinance duly adopted on May 6, 2008.



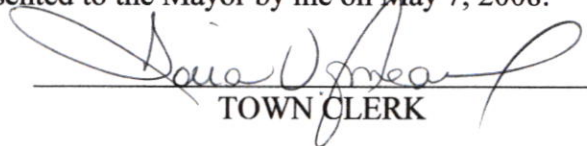
 MAYOR

ATTEST:



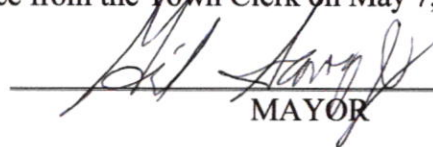
 TOWN CLERK

I certify that the above Ordinance was presented to the Mayor by me on May 7, 2008.



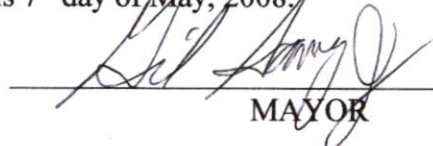
 TOWN CLERK

I acknowledge receipt of the above Ordinance from the Town Clerk on May 7, 2008.



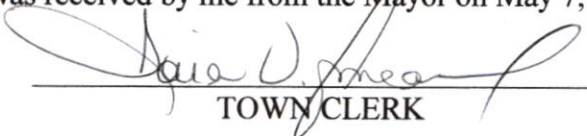
 MAYOR

I hereby approve the above Ordinance on this 7th day of May, 2008.



 MAYOR

I hereby certify that the above Ordinance was received by me from the Mayor on May 7, 2008.



 TOWN CLERK

