

Sec. 7-208. Open burning.

(1) No persons shall cause or allow open burning of refuse, garbage, or materials from salvage operations.

(2) Fires used for the reductions of leaves on the premises on which they fall by the person in control of the premises may be conducted, provided that the following conditions are met:

- (a) All leaves must be readily combustible.
- (b) The area at least ten (10) feet surrounding the leaves must be sufficiently cleared to prevent the spread of fire.
- (c) A hose, long enough to reach the burn material, with nozzle connected to a continuous water supply shall be present.
- (d) There shall be at least one person attending the fire at all times.
- (e) Burning shall not occur within twenty-five (25) feet of any structure or property line.
- (f) Piles of leaves shall remain small (less than five (5) feet in diameter) and there shall only be one (1) pile burned at a time.
- (g) All burning shall occur after 7:00 a.m. and must be completed before official local sunset.
- (h) In the event a fire official (Clarksville Fire Department officer or acting officer) arrives at the scene of a leaf burn and any of the above conditions have not been met or other special conditions exist, the fire official will cause the fire to be extinguished immediately.

(3) Open burning as listed below may be conducted without permit subject to approval of the Clarksville Fire Department and provided that the following conditions on such burning are met:

- (a) Fires used for the cooking of food or for ceremonial or recreational purposes including barbecues and outdoor fireplaces.
- (b) Fires set for training and instruction of fire fighters or for research in fire protection or prevention.

(c) Burning of fires by construction workers and others will be allowed as follows:

- (i) Fires will be built of wood products only.
 - (ii) Fires will not displace more than four (4) foot in diameter of ground area.
 - (iii) Fires will not be left unattended and will be extinguished by official local sunset.
 - (iv) Fires shall not start prior to 7:00 a.m.
 - (v) Fires shall be started as near the center of the lot as possible and at no time shall be any nearer than seventy-five (75) feet to an inhabited structure.
 - (vi) Failure to comply with any of the above listed requirements will result in the immediately extinguishment of the fire and will subject the contractor (home builder) to the conditions of subsection (d)(xi) of this section.
- (d) Commercial type open burn of trees and wood products in piles larger than four (4) foot in diameter can be conducted after securing a permit from the Clarksville Fire Department and shall be subject to the following conditions:
- (i) All materials shall be readily combustible.
 - (ii) The area around the pile shall be cleared of any vegetation a minimum of fifty (50) feet in all direction. The area of the pile shall be no larger than one hundred (100) feet in width.
 - (iii) No pile shall be allowed to burn that is any closer than one hundred (100) feet from a roadway and must be more than two hundred (200) feet from the nearest inhabited structure.
 - (iv) Equipment capable of controlling the fire (bulldozer, backhoe, tractor, etc.),

and operated by trained personnel shall be present at each pile site any time there is a fire present.

- (v) Material to be burned shall originate at the burn site. Material shall not be transported to burn site except by special permission from the Clarksville Fire Department.
- (vi) Burning shall not be started prior to 7:00 a.m. and will only be allowed to continue after official local sunset with permission from the city fire department. A qualified equipment operator must be on-site during the entire burn. No burn shall last more than thirty-six (36) hours and shall be extinguished by completely covering the pile with dirt. Any person found in violation of the terms of a thirty-six (36) hour burn permit shall not receive a burn permit for a period of one year after such finding.
- (vii) Fires shall only be started with a minimal amount of diesel fuel.
- (viii) The site shall be inspected for safety and any other special conditions which may exist by a Clarksville Fire Department official before burning.
- (ix) It shall only be permissible to have one burn site per permit.
- (x) Failure to obtain permits under this section shall be a violation of city code.
- (xi) In addition to any fine levied pursuant to subsection (d)(x) above, any person or other entity in violation of any permits issued pursuant to this ordinance shall receive written notice stating the nature of the violation and the fire shall be immediately extinguished. The Clarksville Fire Department's cost for a responding fire company is two hundred dollars (200.00) per hour. The holder of the permit shall be billed for all

costs incurred for the Clarksville Fire Department extinguishment of the fire.

- (xii) The issue of any approval of permits by the Clarksville Fire Department shall in no way relieve the person or entity responsible from damages, injuries or claims resulting from such burning.
 - (xiii) Commercial businesses which have a frequent same-site burning area may obtain special permission for such burns provided a plan is submitted to and approved by the Clarksville Fire Department (same site burning areas are defined as those sites where burning is done on a regular/frequent basis in conjunction with the commercial business). These sites shall be subject to inspection at any time for compliance with the submitted plan. Failure to comply with the plan shall result in revocation of the permit.
 - (xiv) Any State of Tennessee ban on outdoor burning supersedes any and all portion(s) of this section.
- (4) Wind speed guidelines for open burning.
- (a) From march 15th through October 14th of any calendar year burning shall not occur when the wind reaches a velocity of more than fifteen (15) miles per hour.
 - (b) From October 15th through March 14th of any calendar year, burning shall not occur when the wind reaches a velocity of more than ten (10) miles per hour.
 - (c) If an air curtain destructor is being used, burning can follow section (a) the entire calendar year.
- (Ord. No. 45-1998-99, 4-1-99; Ord. No. 33-2002-03, 11-7-02; Ord. No. 95-2003-04, 6-3-04)