

**ORDINANCE NO. 68**

**AN ORDINANCE TO REGULATE OPEN BURNING  
IN THE TOWN OF DAUPHIN ISLAND**

BE IT ORDAINED by the Town Council of the Town of Dauphin Island, Alabama as follows:

**Section 1. Purpose**

This ordinance is enacted to protect, preserve, and promote the health, safety, welfare and peace for the citizens of Dauphin Island, Alabama through the control of open burning. It is the intent of this ordinance to establish standards that will control open burning so that it will comply with all applicable state regulations and will not be detrimental to individuals and the community in the enjoyment of life, property and conduct of business. This ordinance is not intended to supersede legislation or regulations of statewide applicability governing open burning nor does compliance with this ordinance guarantee compliance with such legislation or regulations.

**Section 2. Open Burning Standards**

A. Open burning may be conducted in the Town of Dauphin Island for the following purposes:

1. Open fires for the cooking of food for human consumption. Appropriate containers must be used such as grills, smokers and the like. The Town of Dauphin Island Mayor or his designated representatives, or Police Chief, or Fire Chief, or State of Alabama may require extinguishing of fire if the burning creates a danger or serious nuisance of individuals or property.
2. Fires for recreational or ceremonial purposes. The Town of Dauphin Island Mayor or his designated representatives, or Police Chief, or Fire Chief, or State of Alabama may require extinguishing of fire if the burning creates a danger or serious nuisance of individuals or property.
3. Fires set in salamanders or other devices, utilizing only wood, vegetation, coal, propane, kerosene, fuel oil or used oil (used oil as defined in ADEM Admin Code Chapter 335-14-17) as fuel, and used by construction or other workers for heating purposes. The Town of Dauphin Island Mayor or his designated representatives, or Police Chief, or Fire Chief, or State of Alabama may require extinguishing of fire if the burning creates a danger or serious nuisance of individuals or property.

B. The open burning of debris from construction, demolition and property maintenance activities may be conducted if ALL the criteria below are met:

1. It must be conducted on the same property on which the debris originates. The debris cannot be moved to different property and open burned.
2. The location of the burning must be at least five hundred (500) feet from the nearest occupied dwelling not on the property on which the burning is conducted.

3. The burning must be controlled so as to avoid creating a traffic hazard on any public road, street, highway as a result of the air contaminants emitted.
4. Only untreated wood and vegetation may be burned. Some of the materials which cannot be open burned include paper, cardboard, insulation, wallboard, plastics, heavy oils, paint, asphalt materials, rubber, scrap materials, refuse and garbage.
5. No fire may be started or combustible material added to the fire except during the period from 8:00 A.M. to 3:00 P.M. Adequate water or other fire extinguishing material must be on site and fire must be monitored by an adult (21 years or older) until the fire is properly and completely extinguished.
6. Burning shall be conducted only when there is good ventilation and when the prevailing wind direction is away from any built-up area in the vicinity. No burning shall be conducted in areas under a current air stagnation advisory issued by the National Weather Service or during a "Drought Emergency" declared by the Governor.
7. No open burning will be conducted in the Town of Dauphin Island during the months of May, June, July, August, and September by Proclamation of ADEM dated April 3, 2000.

### **Section 3. Cessation of Open Burning**

The Town of Dauphin Island Mayor or his designated representatives, Police Chief, the Fire Chief or the State of Alabama may halt any open burning if it creates a danger or serious nuisance for individuals or property.

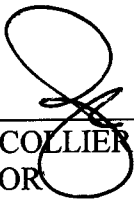
### **Section 4. Severability**

If any section, sentence, paragraph, clause, phrase or word of this ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this ordinance and it shall be construed to have been the intent of the Town Council of the Town of Dauphin Island to pass this ordinance without such unconstitutional, inoperative or void, such holding or invalidity shall not affect the remaining portions of this ordinance and it shall be construed to have been the intent of the Town Council of the Town of Dauphin Island to pass this ordinance without such unconstitutional, invalid, or inoperative part therein, and the remainder of this ordinance shall be deemed and held to be valid as if such parts had not been included herein.

### **Section 5. Penalties for Violation**

Any person found guilty of violating any of the provisions of this ordinance shall be punished by a fine of not more than Five Hundred Dollars (\$500.00), or by imprisonment in the town jail or at hard labor for a period not exceeding six (6) months, or by both such fine and imprisonment is at the discretion of the Judge trying the case. Each day such violation is permitted to continue shall constitute a separate offense and shall be punished as such thereunder. Any person found guilty of any of the provisions of this ordinance may, at the discretion of the Court be punished by fine, imprisonment, or in the alternative, may be sentenced to community service as designated by the Court in lieu of fine or imprisonment.

ADOPTED AND APPROVED on this the 6th day of March, 2001.

  
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JEFF COLLIER  
MAYOR

ATTESTED:

  
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GINGER SIMPSON  
TOWN CLERK

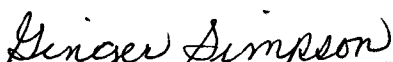
1<sup>st</sup> Reading February 20, 2001

2<sup>nd</sup> Reading March 6, 2001

**TOWN OF DAUPHIN ISLAND, ALABAMA**

**Certificate of Publication**

This is to certify that Ordinance Number 68, Town of Dauphin Island, Alabama was published by posting on at least three (3) Bulletin Boards in the Town from March 8, 2001 to March 12, 2001.

  
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GINGER SIMPSON  
TOWN CLERK