

ORDINANCE NO. 2009-4

AN ORDINANCE PROHIBITING THE BURNING OF MATERIALS OR MAINTAINING OF FIRES OUTDOORS WITHIN THE MUNICIPAL LIMITS OR POLICE JURISDICTION OF THE TOWN OF FALKVILLE, ALABAMA WITHOUT FIRST REGISTERING WITH THE TOWN CLERK

WHEREAS, the Town Council of the Town of Falkville, Alabama recognizes that wild fire or fires set for the purpose of burning materials which get out of control pose a real and serious threat of serious damage to person and property in the Town of Falkville, Alabama and its police jurisdiction; and

WHEREAS, the recent drought years have made it clear to the Council that some measure of control over outdoor burning is necessary and that requiring registering intent to burn so that the proper authorities for the Town can be notified in advance of when burning is going to take place would aid in monitoring outdoor burning in the Town and its police jurisdiction.

NOW, THEREFORE, be it ORDAINED by the Town Council of the Town of Falkville, Alabama as follows:

Section 1. This Ordinance and its requirements shall be deemed to be effective as to all persons burning any materials or maintaining any fires within the municipal limits or the police jurisdiction of the Town of Falkville, Alabama, other than indoor fireplaces, stoves and furnaces and outdoor fireplaces, barbecues, barrels, and similar devices.

Section 2. Other than as excepted in Section 1, no person shall set or maintain any fire or burn any materials outdoors without first registering the intent to do so in accordance with the further provisions of this Ordinance with the Town Clerk of the Town of Falkville, Alabama ("Town Clerk").

Section 3. Any person desiring to burn any materials outdoors or maintain any fire outdoors shall, before doing so, register the intention to do so with the Town Clerk on a form prescribed by said Clerk for that purpose. Said form shall include, among other things required by the Town Clerk, the proposed date and time of the burning and the volume and nature of materials to be burned. No fee shall be required for such registration.

Section 4. Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed \$500.00 plus court costs plus any restitution as the Court may deem appropriate or by a jail sentence of up to six months

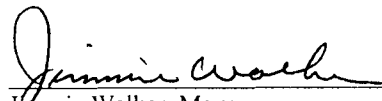
or, both such a fine and jail sentence.

Section 5. This Ordinance shall not be construed as permitting or otherwise authorizing or approving outdoor burning, but is merely a device for monitoring same. All other lawful restrictions against outdoor burning shall continue to apply and the registering of intent to burn shall not be deemed receipt of a permit or approval to do so contrary to such restrictions or otherwise.

Section 6. This Ordinance shall be deemed effective immediately upon its adoption and publication according to law.

ADOPTED and **APPROVED** this the 7 day of April, 2009.

APPROVED BY:



Jimmie Walker, Mayor

ATTEST:

(Seal)



Belinda Ealey, Town Clerk

I, Belinda G. Ealey, Town Clerk of the Town of Falkville do hereby certify the following Ordinance No. 2009-4 was published in four places in the Town of Falkville.

Posted on the 10 day of April, 2009 at the Falkville Municipal Building, Falkville Public Library, Falkville Volunteer Fire Department and Mr. Quick's.

This the 10 day of April, 2009.

Belinda G Ealey
Belinda G. Ealey, Town Clerk