ORDINANCE 2025-11

CITY OF FAIRVIEW – OPEN BURNING ORDINANCE

AN ORDINANCE REGULATING OPEN BURNING WITHIN THE MUNICIPAL LIMITS OF FAIRVIEW, TENNESSEE

SECTION 1. Purpose

This ordinance establishes regulations for open burning in Fairview, TN, to protect public health, property, and environmental quality while allowing limited, controlled burning of natural vegetative materials.

SECTION 2. Definitions

- **Open Burning:** Any fire conducted outdoors in which materials are burned in an open flame without a chimney or stack.
- **Air Curtain Destructor (ACD):** A mechanical device that creates a high-velocity air barrier to contain particulate emissions from open burning.
- **Qualified Person:** A competent adult, physically present and capable of supervising a fire, extinguishing flames, and calling for emergency assistance if needed.
- **Land clearing:** The removal of trees, brush, or other vegetation from a site to prepare it for construction or development.
- **Construction:** The building, erection, alteration, or assembly of any structure or infrastructure, including but not limited to homes, buildings, roads, and utilities.

SECTION 3. Permit Requirement

1. No person shall conduct any open burning without first obtaining a **burn permit** issued by the Fairview Fire Department and the site being inspected by Fairview Fire Department personnel.
2. All conditions listed on the burn permit must be met
3. Permits may be obtained in person at Fairview Fire Department Station 31 during normal business hours from 8am to 5pm.
4. Fees are to be collected for open burning as follows: $50.00 per calendar day at the time of issuing the permit (burn permits may be purchased daily or up to seven days at a time, however; no refunds will be issued for unused burn days due to weather/wind conditions)

SECTION 4. Open Burning Categories & Conditions

A. Clearing Land (≥20 Acres)

- The burn site must be:
  - At least **20 acres in size**
  - At least **500 feet** from any occupied structure or public roadway or property boundary.
- Only **native vegetative materials** originating from the site may be burned.
- An **Air Curtain Destructor (ACD)** must be used and operated per the manufacturer's specifications.
- Burning is allowed only between **8:00 AM and dusk**, unless otherwise approved by the Fire Chief or Fire Marshal.

B. Property Clean-Up (<20 Acres)

- **No open burning is allowed on any property less than 20 acres in size**

SECTION 5. Universal Burning Requirements

All permitted burns must meet the following minimum standards:

1. All conditions listed on the burn permit must be met
2. A **qualified person** must supervise the fire until it is fully extinguished.
3. **Fire control equipment** such as a backhoe, bulldozer, fire hose, or other suppression means must be immediately available.
4. All burning must comply with:
   - This ordinance
   - Tennessee Department of Environment and Conservation (TDEC) regulations
   - Any applicable federal air quality standards
5. Burning is strictly **prohibited during high-wind events (winds over 12mph), droughts, or under "Red Flag" warnings**.
6. The **Fire Chief, Fire Marshal, or designee** reserves the right to suspend or revoke any permit due to unsafe conditions, nuisance smoke, or violations of permit terms.

SECTION 6. Prohibited Materials

No person shall burn any of the following:

- Household or municipal solid waste

- Plastics, rubber, vinyl, tires
- Treated or painted wood
- Construction or demolition debris
- Asphalt shingles, petroleum-based products, or hazardous materials
- Asbestos-containing materials

Violations may result in **immediate extinguishment** of the fire, fines, and/or legal action.

SECTION 7. Temporary Burn Bans

- The **City of Fairview Fire Department** may issue a **temporary city-wide burn ban** at any time.
- Burn bans may cover:
    - Open burning of all types, including bonfires, fire pits, and recreational fires.
    - Exceptions may be made for burns utilizing **air curtain destructors**, provided safety standards are met.
- Bans will be communicated via official city channels and lifted only when deemed safe.

SECTION 8. Exemptions

This ordinance shall not apply to the following:

a) Prescribed burns conducted by governmental agencies for environmental or agricultural purposes with proper permitting and under the supervision of qualified personnel.

b) Burning conducted for fire department training with prior approval.

c) Recreational fires or cooking fires not associated with land clearing or construction activity limited to 3 feet by 3 feet in size.

d) Religious ceremonial fires with approval of the Fire Chief and/or Fire Marshal

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SECTION 9. Severability

If any provision of this ordinance is found invalid, the remainder shall remain in full force and effect.

SECTION 10. Effective Date

This ordinance shall take effect **immediately upon adoption by the BOC**.

Approved by the Board of Commissioners:

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Lisa Anderson, Mayor

ATTEST:

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Rachel Jones, City Recorder

LEGAL FORM APPROVED:

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Patrick M. Carter, City Attorney

Passed 1st Reading: July 17, 2025

Passed 2nd Reading: