

**AN ORDINANCE TO AMEND TITLE 7 FIRE PROTECTION AND FIREWORKS  
OF THE CITY OF LOUDON MUNICIPAL CODE**

WHEREAS, The City of Loudon desires to amend the City of Loudon Municipal Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Loudon,  
Tennessee as follows:

**Section 1.** The City of Loudon Municipal Code is amended to include Chapter  
5. OPEN BURNING. as follows:

CHAPTER 5

OPEN BURNING

SECTION

- 7-501. Purpose.
- 7-502. Definition of terms.
- 7-503. Standards for open burning.
- 7-504. Permits.

7-501. Purpose. The purpose of this chapter is to regulate certain open burning in order to protect the public from the hazards of uncontrolled fires and pollution. This chapter will not relieve the person who will be burning from complying with Tennessee Code Annotated, §§39-14-304; 39-14-305; 39-14-401; 68-102-146; and 68-211-101 et seq.

(1) The Loudon Fire Department is responsible for the enforcement of this policy.

7-502. Definition of terms. As used in this chapter, the following terms shall have the meaning ascribed to them herein, unless clearly indicated otherwise:

(1) "Authority having jurisdiction" means the organization, agency, office, department or individual responsible for approval or enforcement.

(2) "Open burning" means the burning or causing to be burned of any flammable material in a method other than within an enclosure from which burning material cannot escape.

(3) "Permit" means the written authority of the City of Loudon issued under the authority of this chapter.

(4) "Person" means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency.

7-503. Standards for open burning. It is unlawful for any person, as defined herein, to conduct an open burn within the corporate limits of the City of Loudon without a permit.

(1) No person shall willfully start or cause to be started any open fire within the corporate limits of the City of Loudon without first obtaining a burn permit from the City of Loudon Fire Department.

(2) Prevailing winds at the time of ignition must be away from any dwelling, structure, highway, or other populated area, the ambient air of which may be significantly affected by smoke, fly ash, or other contaminants from burning.

(3) Burning is limited when it is determined by the fire chief or his designee, based on information supplied by the National Weather Service or other competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the duration of the burn.

(4) Burning shall not be initiated when it is determined and/or announced by the State Fire Marshall and/or the Department of Forestry that dry, drought, high wind, or other hazardous conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the City of Loudon.

(5) Burning shall not be initiated when it is determined and/or announced by the fire chief or his designee that dry, drought, high wind, or other hazardous conditions exist to prohibit burning within the corporate limits of the City of Loudon.

(6) Open burning is allowed only for clean wood waste and vegetation growth on the responsible person's property.

(7) Burning of wood waste for land development is prohibited except where the use of an air curtain with a qualified operator or similar means to reduce excess PM-2.5 releases into the environment are used. The system used and qualified operator must be approved by the City of Loudon Fire Chief or his designee.

(8) Asphaltic material, PVC, treated lumber, or items containing natural or synthetic rubber, or materials made with hydrocarbons shall not be burned or used to ignite the material to be burned or to promote the burning of such material.

(9) No burning is permitted of any legal material that the City of Loudon provides a disposable means (i.e.: wood waste pickup, leaf collection, everyday trash, etc.)

(10) No burning is permitted within twenty-five (25) feet of any structure or dwelling.

(11) All fires must be attended to and under the direct supervision at all times of a person or persons that have sufficient capability and equipment to provide for complete extinguishment of the fire as needed.

(12) With the exception of bonfires and campfires, all fires shall be completely extinguished prior to sundown.

(13) If any problems arise the responsible person must immediately call 911.

7-504. Permits. Burn permits will be obtained from the fire chief or his designee.

(1) No burn permit is required for cooking, recreational purposes, comfort heating on construction sites, or law enforcement burnings.

(2) Permits issued under this chapter shall require the person requesting the permit to complete the form in person. Burn permits are valid for one (1) day only.

(3) All permits issued under this chapter shall be in writing, on forms provided by the Loudon Fire Department, in the name of the person undertaking the burning and with emergency contact information, and shall specify the specific address and area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit, and such other factors as are necessary to identify the burning which is allowed under the permit.

(4) Burn sites anticipated to contain three (3) cubic yards or more of materials shall be inspected by the fire chief or his designee prior to the issuance of the permit.

(5) Permits shall not be issued when it is determined by the fire chief or his designee, based on information supplied by a competent authority, that stagnant air conditions or inversions exist, or that such conditions may occur during the duration of the burn.

(6) Permits shall not be issued when it is determined or announced by the State Fire Marshal and/or the Department of Forestry that dry, drought, or other conditions exist to prohibit burning either statewide or in regions affecting the geographical or corporate limits of the City of Loudon.

(7) Permits shall not be issued when it is determined or announced by the fire chief or his designee that dry, drought, or other hazardous conditions exist to prohibit burning within the corporate limits of the City of Loudon.

(8) Permits shall not be issued without the approval of the authority having jurisdiction when it has cited the person or designated the burn site as being in violation of federal, state, or municipal laws.

(9) The responsible person receiving the burn permit will be held responsible for any and all damages caused by the open burn.

(10) The responsible person receiving the burn permit will be held responsible for any and all charges accrued by the open burn.

(11) The City of Loudon through the Loudon Fire Department has the authority to revoke a permit and to extinguish a fire for any reason affecting the health, safety, or welfare of the City of Loudon.

(12) The Loudon Fire Chief or his designee has the authority to provide additional supplemental conditions, written on the permit, when it is required in the best interest of the health, safety, and welfare of the City of Loudon.

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Recorder

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Mayor

First Reading: \_\_\_\_\_

Second Reading: \_\_\_\_\_

Public Hearing: \_\_\_\_\_