

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997
4

As Engrossed: H2/14/97 S3/25/97

A Bill

ACT 1151 OF 1997
HOUSE BILL 1517

5 By: Representatives Terry Smith and Wilkinson
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For An Act To Be Entitled

9 "AN ACT TO CLARIFY RESTRICTIONS ON THE OPEN BURNING OF
10 RESIDENTIAL YARD WASTES; TO SET OUT ENFORCEMENT OPTIONS;
11 AND FOR OTHER PURPOSES."
12

Subtitle

13 "AN ACT CONCERNING THE OPEN BURNING OF
14 YARD WASTES."
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. (1) Open burning shall mean for the purposes of this act
20 the incineration or combustion of waste materials as a method of disposal
21 without any means to control the fuel/air ratio. None of the activities
22 exempted from regulation as air pollution in Arkansas Code Annotated § 8-4-305
23 or in regulations adopted by the Arkansas Pollution Control and Ecology
24 Commission shall constitute open burning, provided such activities do not
25 cause a fire or safety hazard.

26 (2) Yard wastes shall mean grass clippings, leaves, and shrubbery
27 trimmings collected from residential property.
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29 SECTION 2. State Policy Concerning Disposal of Yard Waste. It is the
30 policy of this state that the open burning of residential yard waste should be
31 discouraged and that alternative methods of yard waste disposal should be
32 developed and made readily available to all citizens. In enforcement of this
33 policy, state and local governments should first pursue educational and
34 voluntary compliance efforts, with punitive sanctions reserved as the last
35 resort to address instances of localized nuisances, fire and safety hazards,
36 or refusal to obey reasonable demands to cease open burning when alternative

1 disposal methods are available.

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3 SECTION 3. Restrictions on Open Burning Yard Wastes.

4 (a) The open burning of yard wastes is discouraged. Enforcement shall
5 be through informal educational efforts, unless such efforts are proven to be
6 manifestly ineffective in preventing specific instances of open burning.

7 (b) No citation or civil fine shall be issued or levied against the
8 owner of a private residence for the open burning of brush or yard waste
9 unless such burning constitutes:

10 (1) a persistent or recurring offense to surrounding landowners,
11 as determined by complaints to state or local officials;

12 (2) a fire hazard to surrounding property, as determined by
13 appropriate local officials; or

14 (3) a safety hazard causing obscured vision on public roads or
15 highways.

16 (c)(1) No citation or civil fine shall be issued or levied pursuant to
17 the exception of subsection (b)(1) unless first preceded by a Warning Order or
18 other appropriate notification delivered to the alleged violator by certified
19 mail, restricted delivery, or other appropriate mechanism of legal service,
20 indicating that a local or state agency has received a complaint concerning
21 open burning activities. Such order or notification need not reveal the
22 identity of the complainants. This order or notification shall advise the
23 alleged violator of alternatives to open burning of yard wastes.

24 (2) For the purposes of subsection (b)(1), persistent or
25 recurring burning includes activities that are seasonal or annual. Each day
26 of any event of open burning that continues following executed service of a
27 Warning Order or notification may justify a citation or civil fine unless the
28 alleged violator takes reasonably diligent measures to extinguish or control
29 the fire.

30 (d) Nothing in this act shall be construed as impairing the authority
31 of local fire control officials to abate fire hazards through whatever
32 regulatory mechanisms deemed necessary and appropriate.

33 (e) Nothing in this act shall be construed as impairing the authority
34 of the Department of Pollution Control and Ecology to abate reasonably likely
35 exceedances of National Ambient Air Quality Standards.

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