

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

## A Bill

HOUSE BILL 1514

4  
5 By: Representatives Davis and Dietz  
6 By: Senator Bradford

### For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE 8-4-305 TO ALLOW WARMING  
10 FIRES TO BE MAINTAINED ON CONSTRUCTION SITES; AND FOR  
11 OTHER PURPOSES."

### Subtitle

14 "AN ACT TO ALLOW WARMING FIRES TO BE  
15 MAINTAINED ON CONSTRUCTION SITES."

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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

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19 SECTION 1. Arkansas Code 8-4-305, concerning exceptions to certain air  
20 pollution laws, is amended to read as follows:

21 "8-4-305. Exceptions.

22 The provisions of this subchapter do not apply to:

23 (1) Agricultural operations in the growing or harvesting of crops and  
24 the raising of fowl or animals;

25 (2) Use of equipment in agricultural operations in the growing of crops  
26 or the raising of fowl or animals;

27 (3) Barbecue equipment or outdoor fireplaces used in connection with  
28 any residence;

29 (4) Land clearing operations or land grading;

30 (5) Road construction operations and the use of mobile and portable  
31 equipment and machinery incident thereto;

32 (6) Incinerators and heating equipment in, or used in connection with,  
33 residences used exclusively as dwellings for not more than four (4) families;

34 ~~or~~

35 (7) Fires set or permitted by any public officer, board, council, or  
36 commission when the fire is set or permission to burn is given in the

1 performance of the duty of the officer for the purpose of weed abatement, the  
 2 prevention or elimination of a fire hazard, or the instruction of employees in  
 3 the methods of fire fighting, which is necessary in the opinion of the  
 4 officer, or from fires set pursuant to permit for the purpose of instruction  
 5 of employees of private industrial concerns in methods of fire fighting, or  
 6 for civil defense instruction- ; or

7 (8) Unless prohibited by municipal or county ordinance, open fires used  
 8 at a construction site only for the purpose of warming persons on the site  
 9 during cold weather. Such fires shall be fueled only by wood or wood  
 10 products, must be controlled to the extent necessary to prevent a fire hazard  
 11 or local nuisance, and must be confined within a container made of  
 12 nonflammable material. Said container shall not exceed thirty inches (30") in  
 13 width and thirty inches (30") in length."

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15 SECTION 2. All provisions of this act of a general and permanent nature  
 16 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
 17 Revision Commission shall incorporate the same in the Code.

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19 SECTION 3. If any provision of this act or the application thereof to  
 20 any person or circumstance is held invalid, such invalidity shall not affect  
 21 other provisions or applications of the act which can be given effect without  
 22 the invalid provision or application, and to this end the provisions of this  
 23 act are declared to be severable.

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25 SECTION 4. All laws and parts of laws in conflict with this act are  
 26 hereby repealed.

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