

CITY OF BOAZ – BURN ORDINANCE

City of Boaz, Alabama

Ordinance No. 2026-1198

Open Burning and Outdoor Fire Regulation Ordinance

SECTION 1: PURPOSE

To protect public health, safety, and welfare by regulating open burning and ensuring compliance with state law and environmental regulations.

SECTION 2: AUTHORITY

This ordinance is adopted pursuant to:

- a. Code of Alabama §11-45-1 (municipal police powers);
- b. Code of Alabama §9-13-11 & §9-13-12 (unlawful burning/wildfire prevention);
- c. Code of Alabama §22-28-1 et seq. (Air Pollution Control Act);
- d. Alabama Department of Environmental Management Administrative Code Rule 335-3-3-.01 (Open Burning); and
- e. Alabama Forestry Commission guidance

SECTION 3: DEFINITIONS

- a. **Open Burning:** Outdoor burning without a chimney or emission control
- b. **Recreational Fire:** Small fire for warmth/cooking
- c. **Prohibited Materials:** Garbage, construction debris, treated wood, plastics, hazardous materials

SECTION 4: GENERAL PROHIBITIONS

- a. Burning Prohibited Materials is unlawful.
- b. No fire shall create a nuisance, excessive smoke, or hazard.
- c. No fire shall violate:
 - i. ADEM regulations
 - ii. Code of Alabama §9-13-11
 - iii. This ordinance
- d. Burning is prohibited during:
 - i. High fire danger
 - ii. Burn bans
 - iii. Unsafe weather conditions

SECTION 5: PERMITTED OPEN BURNING (PERMIT REQUIRED)

Open burning is allowed only when ALL conditions are met:

- a. Natural Vegetation Only (On-Site Requirement)
 - i. Leaves, limbs, brush, and yard debris ;
 - ii. Must originate from the property where it is burned; and
 - iii. No off-site materials allowed.
- b. Location - Minimum 25 feet from structures (or more if required by Fire Dept).
- c. Attendance- Fire must be constantly attended.
- d. Equipment - Water source or suppression tools readily available.
- e. Conditions - No burning during high winds or unsafe conditions.
- f. Time - May light or add to fire between 8:00am and 3:00pm, fire must be extinguished by dark.

SECTION 6: ADEM & COUNTY RESTRICTIONS

- a. All burning must comply with Alabama Department of Environmental Management regulations and this ordinance.
- b. Areas within Etowah County are subject to seasonal burn bans (typically May–October).
- c. During burn bans **all outdoor burning is prohibited** unless specifically exempted.

SECTION 7: RECREATIONAL FIRES

Recreational Fires are allowed if the fire is:

- a. Under 3 feet in diameter;
- b. Contained;
- c. Burning clean, untreated wood; and
- d. Not creating a nuisance.

SECTION 8: SPECIAL EVENT / MUNICIPAL FIRES

The City may allow bonfires and ceremonial fires if:

- a. Prior approval is received from Fire Chief/designee;
- b. Fire Department supervision is present;
- c. Proper safety measures are in place as determined by the Fire Chief/designee;
- d. Only clean materials are burned; and
- e. Not during ADEM burn ban unless authorized.

The Fire Chief or designee may cancel the bonfire or ceremonial fire if deemed unsafe or not in compliance with this ordinance.

SECTION 9: EXEMPTIONS

- a. Burns conducted by the Fire Department for training or public safety are exempt.
- b. Certain agricultural burns may qualify for AFC authorization in lieu of city permits, subject to prior notification to the Fire Department.

SECTION 10: PERMITS

Permits will be required for open burning and may be denied based on:

- a. Weather conditions;
- b. Fire danger potential;
- c. Prior Complaints/history of applicant.

Permits must be available on-site during burning and may be denied or revoked at any time.

Permits are obtainable at Boaz Fire Department or, if implemented, online via the city's website.

Permits are valid for 7 days (residential) or 30 days (commercial) unless allowed otherwise by Fire Chief or Fire Marshal

SECTION 11: ENFORCEMENT

Fire Department, Police, and Code Enforcement may enforce this ordinance by ordering fires to be extinguished, taking action to extinguish a fire and by taking any other action allowed by city ordinances or Alabama law.

Municipal Court Jurisdiction: All violations of this ordinance shall be designated as misdemeanors and shall be prosecuted in the Municipal Court of the City of Boaz. In addition to the Fire Chief or his designee, any sworn law enforcement officer of the City of Boaz is authorized to issue a citation, summons and/or complaint to any person found in violation of any provision of this ordinance.

SECTION 12: PENALTIES

Upon conviction of a first offense, the defendant shall be fined a minimum of \$250.00, plus applicable court costs.

Upon conviction of a second or subsequent offense within a 12-month period, the defendant shall be fined \$500.00 and may be sentenced to a term of imprisonment in the city jail not to exceed six months, at the discretion of the Municipal Judge.

Each day a violation continues after notice has been served shall constitute a separate and distinct offense.

The Fire Department shall have the authority to summarily abate any fire that constitutes an immediate hazard to life or property or that is being conducted in violation of a standing "no-burn" order. The costs associated with such emergency suppression and property damage may be assessed against the property owner as a lien, following a hearing in Municipal Court to verify the costs incurred.

SECTION 13: EFFECTIVE DATE

This ordinance shall take effect upon publication.

**ADOPTED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF BOAZ,
ALABAMA ON THE __ DAY OF _____, 2026.**

Tim Walker, Mayor

ATTESTED:

Beth Stephens, City Clerk