

ORDINANCE 2026-1147

**AN ORDINANCE OF THE CITY OF MOUNT PLEASANT, TENNESSEE AMENDING
TITLE 17, CHAPTER 3 OF THE MOUNT PLEASANT MUNICIPAL CODE RELATING
TO OPEN BURNING**

WHEREAS, Title 17, Chapter 3 of the Mount Pleasant Municipal Code regulates open burning; and

WHEREAS, the City of Mount Pleasant desires to amend this section to better align local regulations with current Tennessee law, Tennessee Department of Environment and Conservation regulations, current fire service practices, and the operational needs of the Mount Pleasant Fire Department;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF MOUNT PLEASANT, TENNESSEE, AS FOLLOWS:

Section 1. That Title 17, Chapter 3 of the Mount Pleasant Municipal Code is hereby amended by deleting section 17-302 in its entirety and substituting the following, so that Section 17-302 shall read as follows:

(a) No person shall cause, suffer, allow or permit open burning except as specifically exempted by [section 17-303](#).

(b) Open burning except for the exemptions contained in [section 17-303](#) will not be allowed in any area where the open burning would interfere with the attainment or maintenance of the state air quality standards.

(c) No open burning shall be allowed in any non-attainment or additional control area that might be affected by applicable contaminants from such open burning, nor any location within one-half mile of such a non-attainment or additional control area.

(d) The open burning of tires and other rubber products, vinyl shingles and siding, other plastics, asphalt shingles and other asphalt roofing materials, and/or asbestos containing materials is expressly prohibited.

(e) No open burning shall be allowed when the governor, the Tennessee Division of Forestry, Tennessee Department of Environment and Conservation, Maury County Emergency Management Agency, and/or County Mayor, the City Manager, Fire Chief, or State Fire Marshal has placed a ban on open burning.

(f) the open burning of leaves, grass clippings, landscape debris, and similar yard waste materials, as defined in 17-202 is expressly prohibited and same must be disposed of pursuant to 17-204.

(g) open burning associated with commercial, industrial, construction, demolition, land clearing, waste disposal, or business operations within the city limits is expressly

prohibited unless specifically authorized by state law and approved by the State Fire Marshal's Office.

Section 2. That Title 17, Chapter 3 of the Mount Pleasant Municipal Code is hereby amended by deleting Section 17-305 in its entirety and substituting the following, so that Section 17-305 shall read as follows:

(a) Failure to obtain a valid open burning permit from the city fire department or failure to adhere to the provisions and conditions of the issued permit shall be construed as a violation of this chapter and such corrective/punitive measures that may be deemed appropriate by the city fire department.

(b) The City is authorized to recover its actual costs of response to an incident, with the actual cost being based upon the current FEMA Schedule of Equipment Rates and the City's actual personnel costs.

(c) A violation of this chapter may result in referral for prosecution under applicable Tennessee law, including but not limited to:

1. T.C.A. § 39-14-303 – Reckless Burning;
2. T.C.A. § 39-14-301 – Arson;
3. T.C.A. § 39-14-302 – Aggravated Arson;
4. Applicable provisions of Tennessee environmental regulations governing open burning.

Section 3. That Title 17, Chapter 3 of the Mount Pleasant Municipal Code is hereby amended by adding a new subsection 17-304(a)(8) and 17-304(a)(9) and a new section (b) that states as follows:

(a)

8. An open burning permit application may be denied if it is deemed by the Fire Chief or his/her designee to jeopardize public health or welfare, or create a public nuisance or safety hazard.

9. An open burning permit application may be approved with conditions if it is determined by the Fire Chief or his/her designee that a condition is necessary to prevent the proposed open burning from jeopardizing public health or welfare, or creating a public nuisance or safety hazard.

(b) The following conditions jeopardize public health and welfare, create a public nuisance or safety hazard and are grounds for denial, suspension, revocation or

modification of an open burning permit:

1. Elevated wildfire danger;
2. Drought conditions;
3. Air quality advisories or restrictions;
4. Adverse weather conditions;
5. Insufficient emergency response staffing or resource availability;
6. Prior violations of this chapter;
7. Repeated nuisance complaints;
8. Failure to comply with permit requirements;
9. Inadequate site conditions; or
10. Any other circumstance deemed by the fire department to create an unreasonable risk to life, property, or the environment.

(c) The decision of the Fire Chief or his/her designee may be appealed to the City Manager within five (5) business days of the denial, suspension, or revocation.

Section 2. If any one or more of the provisions of this Ordinance, or any exhibit or attachment thereof, shall be held invalid, illegal, or unenforceable in any respect, by final decree of any court of lawful jurisdiction, such invalidity, illegality, or unenforceability shall not affect any other provision hereof, or of any exhibit or attachment thereto, but this Ordinance, and the exhibits and attachments thereof, shall be construed the same as if such invalid, illegal, or unenforceable provision had never been contained herein, or therein, as the case may be.

Section 3. This Ordinance shall take effect upon final passage.

Approved and adopted this _____ day of _____, 2026.

WILLIAM F. WHITE, JR., MAYOR

ATTEST:

SHIPHRAH COX, RECORDER

LEGAL FORM APPROVED:

KORI BLEDSOE JONES, ATTORNEY

PASSED ON FIRST READING: _____

PASSED ON SECOND READING: _____