

ST. TAMMANY PARISH COUNCIL
ORDINANCE

ORDINANCE CALENDAR NO. 7328

ORDINANCE COUNCIL SERIES NO. _____

COUNCIL SPONSOR: MS. TANNER

PREPARED BY: COUNCIL OFFICE

INTRODUCED BY: MS. TANNER

SECONDED BY: MR. CANULETTE

ON THE 13TH DAY OF JULY, 2023

ORDINANCE TO AMEND ST. TAMMANY PARISH CODE OF ORDINANCES, CHAPTER 26 - NUISANCES, SECTION 26-3 - FIRES FOR YARD DEBRIS, PARAGRAPH (D) TO INCLUDE THE AREA OF HILLCREST SUBDIVISION THAT IS WITHIN THE RESPONSE AREA OF FIRE PROTECTION DISTRICT NO. 8, PROHIBITING THE BURNING OF LEAVES AND YARD DEBRIS WITHIN THOSE BOUNDARIES (WARDS 6 & 10, DISTRICT 6).

WHEREAS, Fire Protect District No. 8 has received a vastly increased amount of calls in the Hillcrest Subdivision located within Council District 6 as depicted on the attached exhibit A regarding burning of debris; and

WHEREAS, these calls have ranged from large piles of unattended burning debris to the spreading of fires from the piles of burning debris to adjacent properties leading to the threatened burning of structures; and

WHEREAS, in densely populated and developed areas of the Parish, the potential risk of fires caused by airborne embers from burning yard debris and the spreading of those fires present a danger to life and property; and

WHEREAS, pursuant to the provisions of La. R.S. 30:2057(C)(3) and La. R.S. 33:1236(31), St. Tammany Parish is authorized to enact ordinances to prohibit or otherwise regulate the burning of leaves and yard debris.

THE PARISH OF ST. TAMMANY HEREBY ORDAINS that St. Tammany Parish Code of Ordinances, Chapter 26 - Nuisances, Section 26.3 - Fires for yard debris, Paragraph (D), is hereby amended and reenacted to provide as follows:

Sec. 26-3. - Fires for yard debris.

(a) Except as provided in subsection (d) of this section, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber shall not be a violation of this chapter, provided that:

- (1) The fire area shall not be greater than eight feet in diameter;
- (2) The height of burning materials shall not be greater than four feet;
- (3) Burning shall only occur between sunrise and one hour before sunset;
- (4) The fire site shall not be unattended;
- (5) A functional water hose shall be located next to the fire site;
- (6) The fire site shall be located at least ten feet from the nearest property line;
- (7) There shall be no more than one fire site per homesite or parcel of land;
- (8) The fire site shall be located at least 50 feet from any structure, if nearer than 50 feet from a structure, a container must be used;
- (9) The fire shall not emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate section 26-1.

A violation of any of the above restrictions may result in the fire site being considered a nuisance under this chapter.

- (b) The restrictions listed in subsection (a) of this section that are set forth in subsections (a)(1) through (8) of this section shall not apply in the event that the controlled fire or open burning of leaves and yard debris, as stated herein, is located a distance of 1,000 feet or more from the nearest dwelling. However, such controlled fire or open burning of leaves shall not present a fire hazard and, as provided in subsection (a)(9) of this section, shall not

emit dense smoke, noxious fumes, gas, soot or cinders in unreasonable quantities so as to violate section 26-1.

(c) The provisions of this section are not intended nor shall they lessen the responsibility of all persons to abide by other ordinances of this parish, and laws of this state governing the matters herein addressed.

(d) Prohibited:

(1) Notwithstanding the provisions of subsection (a) of this section, the provisions of section 14-26 or any other provision, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber in the following areas is strictly prohibited to-wit:

a. Those areas of Council District 4 that are located east of the Tchefuncte River. Accordingly, and for clarification, those areas of Council District 4 situated west of the Tchefuncte River, which areas are currently within the boundaries of voting precincts MD1 and 102, are not included within the prohibition.

b. The area bounded on the north by Interstate 12, on the south by the north bank of Ponchitolawa Creek, on the west by the eastern bank of the Tchefuncte River and on the east by the western right-of-way of U.S. Highway 190, which area was formerly within the boundaries of Council District 4 and comprises the area within the current boundaries of voting precinct 306.

c. Those areas of Hillcrest Subdivision that are within the response area of Fire Protection District No. 8, more geographically defined as Hillcrest Boulevard and all areas to the west of Hillcrest Boulevard within the Hillcrest Subdivision.

(2) Notwithstanding the provisions of subsection (a) of this section, the provisions of section 14-26 or any other provision, the burning of leaves and yard debris, such as pine needles, pine cones, shrubs, brush and cut timber on any lot or parcel of land less than 12,600 square feet in size within any parish approved subdivision is strictly prohibited.

REPEAL: All ordinances or parts of Ordinances in conflict herewith are hereby repealed.

SEVERABILITY: If any provision of this Ordinance shall be held to be invalid, such invalidity shall not affect other provisions herein which can be given effect without the invalid provision and to this end the provisions of this Ordinance are hereby declared to be severable.

EFFECTIVE DATE: This Ordinance shall be effective upon adoption and signature of the Council Chairman and Parish President.

MOVED FOR ADOPTION BY: _____ SECONDED BY: _____

WHEREUPON THIS ORDINANCE WAS SUBMITTED TO A VOTE AND RESULTED IN THE FOLLOWING:

YEAS:

NAYS:

ABSTAIN:

ABSENT:

THIS ORDINANCE WAS DECLARED DULY ADOPTED AT A REGULAR MEETING OF THE PARISH COUNCIL ON THE 3RD DAY OF AUGUST, 2023, AND BECOMES ORDINANCE COUNCIL SERIES NO. ____.

JACOB "JAKE" A. AIREY, COUNCIL CHAIR

ATTEST:

KATRINA L. BUCKLEY, COUNCIL CLERK

MICHAEL B. COOPER, PARISH PRESIDENT

Published Introduction: JULY 26, 2023
Published Adoption: _____, 2023
Delivered to Parish President: _____, 2023 at ____
Returned to Council Clerk: _____, 2023 at ____

