

VAN BUREN COUNTY QUORUM COURT
ORDINANCE NO. 2011-18

**BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN,
STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:**

**AN EMERGENCY ORDINANCE TO PERMIT DECLARING OF A BAN BY
THE COUNTY JUDGE AGAINST BURNING UNDER CERTAIN
CONDITIONS AND CIRCUMSTANCES AND DECLARING VIOLATIONS
OF SUCH A BAN TO BE A MISDEMEANOR AND PROVIDING
PENALTIES FOR VIOLATIONS.**

WHEREAS: It has been determined by the Quorum Court of Van Buren County, Arkansas that during periods of dry weather conditions may exist to make it hazardous and dangerous for burning of any material outside of any building or point of incineration authorized and permitted by the laws of the State of Arkansas, and that any such burning constitutes a serious hazard to the health and safety of persons within Van Buren County, Arkansas and to their property, and

WHEREAS: It is appropriate that a ban on all such burning may be declared from time to time by the County Judge of Van Buren County, Arkansas, pursuant to Act 511 of 1973 as amended.

**THEREFORE BE IT ENACTED BY THE QUORUM COURT OF VAN BUREN
COUNTY, ARKANSAS:**

Section 1. During periods of dry weather and conditions which in the judgment of the County Judge of Van Buren County, Arkansas, constitute danger to the safety and well-being of the persons within Van Buren County, Arkansas, is hereby authorized by this Ordinance to declare a burning ban on any burning outside of any building and or point of incineration authorized and permitted by the laws of the State of Arkansas, such ban authority being pursuant to the provisions of Act 511 of 1973, as amended.

Section 2. Any such ban on burning shall be by declaration and order of the County Judge of Van Buren County, Arkansas, and shall be released to and brought to the attention of the public through regular news media, burn ban signs and any other available resources and shall state the terms and conditions of bans on burning in Van Buren County, Arkansas.

Section 3. The Arkansas Forestry Commission shall be notified by the County Judge of Van Buren County, Arkansas, of the enactment of any such burning ban in order that the commission may provide for coordination of activities.

Section 4. Outdoor burning may be permitted under special circumstances, when the Court is assured that all necessary and proper precautions are being enforced to ensure that burning constitutes no hazard to life and property. No outdoor burning shall be permitted in the absence of a written permit from the County Judge of Van Buren County, Arkansas or other agencies as designated by the County Judge.

It is hereby noted that Van Buren County assumes no liability for any injury to persons or property as a result of the issuance of this permit, and that no person shall receive a permit until such time as they enter into a written agreement with the county or hold the county harmless and to indemnify the county for any injury to persons or property, and to hold the county harmless and to indemnify the county for any damages or liability that may arise from any negligent, intentional or other act that may result in harm or injury to any persons or property.

Section 5. Any persons found guilty of burning other than in a building or point of incineration authorized by the Arkansas Law, after the declaration of a ban on burning as provided herein shall be in violation of the band on burning and shall be guilty of a Class A misdemeanor. As a penalty for such violation upon conviction that person may be fined in the amount of up to \$500.00.

Section 6. This Ordinance shall be enforced through the Van Buren County Sheriff's Office and any other law enforcement officers legally acting within Van Buren County, Arkansas.

Section 7. EMERGENCY CLAUSE: This Ordinance being necessary to provide for and protect the health, safety and welfare of the citizens of Van Buren County, Arkansas, and of their properties, and emergency is declared to exist and this Ordinance shall be in full force and effect immediately upon its adoption.

APPROVED THIS 21st DAY OF JULY, 2011.

APPROVED: 
Roger Hooper, County Judge

ATTEST: 
Ester Bass, County Clerk