

ORDINANCE NO. 123

An Ordinance for the Town of Ashland City, Ashland City, Tennessee adopting a Burn Permit Ordinance and to add Chapter 5 to Title 7 of the Municipal Codes.

BE IT ORDAINED by the Council of the City of Ashland City, Tennessee, that:

Section 1. Sections 7-501, 7-502, 7-503 and 7-504 of the Ashland City Municipal Code to read as follows:

Section 7-501. Permit must be secured. No person, firm or corporation shall burn or attempt to burn any material outdoors on private or public property within the corporate limits of the Town of Ashland City, Tennessee, without first securing a permit from the Town of Ashland City Fire Department.

Section 7-502. Restrictions. Before issuing a permit, the Fire Chief or his designee shall advise all applicants that the following restrictions apply to outdoor burning:

1. Open burning, as listed below may be conducted, subject to specified limitations and provided further that no public nuisance is or will be created by such open burning. The issuance of a permit will in no way relieve the person responsible for such burning from the consequences or the damages, injuries or claims resulting from such burning.

2. All materials to be burned shall be readily combustible.

3. An area of at least 10 feet surrounding the material to be burned must be cleared to prevent the spread of fire.

4. A continuous water supply equipped with a shut off nozzle and a hose long enough to reach fifteen (15) feet beyond the furthest pile shall be provided.

5. If the requirements under Section 4 cannot be met, a bulldozer with operator shall be provided on site.

6. There shall be a qualified party assigned the sole duty to attend the fire from the time it is first set until the fire is totally extinguished.

7. Burning shall not be permitted within 25 feet of any public street, alley way, state or federal highway.

8. Burning shall not be permitted on any property where four or more dwelling units are utilized.

9. Materials used to facilitate such burning shall be minimal amounts of diesel fuel.

Section 7-503. Types of materials to be burned.

1. Vegetation grown on that land (trees, leaves, etc.).
2. Natural, untreated wood products. Wood that has been treated or painted shall be prohibited from burning.
3. Paper products are prohibited from burning either to facilitate such burning or burned as waste material.
4. Domestic burning consisting of rubbish or garbage is prohibited, although a special permit may be obtained in the event refuse collection service for such materials is not available.

Section 7-504. Violations. Any person violating any of the provisions of this chapter shall be served by the City with written notice stating the nature of the violation. In order to maintain an active permit, such person shall have forty-eight (48) hours to correct such violation. The Fire Chief or his designee may refuse or revoke any permit not in accordance with this chapter.

Section 2. This ordinance shall take effect immediately upon passage of second and final reading.



Mary Grey Jenkins, Mayor



Demetra O'Neal, City Recorder

Passed 1st Reading: October 11, 1994

Passed 2nd Reading: November 8, 1994

ORDINANCE NO. 123

AN ORDINANCE ADOPTING AND ENACTING A COMPREHENSIVE CODIFICATION AND REVISION OF THE ORDINANCES OF THE TOWN OF ASHLAND CITY, TENNESSEE.

WHEREAS some of the ordinances of the Town of Ashland City are obsolete, and

WHEREAS some of the other ordinances of the town are inconsistent with each other or are otherwise inadequate, and

WHEREAS the City Council of the Town of Ashland City, Tennessee, has caused its ordinances of a general, continuing, and permanent application or of a penal nature to be codified and revised and the same are embodied in a code of ordinances known as the "Ashland City Municipal Code," now, therefore:

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ASHLAND CITY, TENNESSEE, THAT:

Section 1. Ordinances codified. The ordinances of the town of a general, continuing, and permanent application or of a penal nature, as codified and revised in the following "titles," namely "titles" 1 to 20, both inclusive, are ordained and adopted as the "Ashland City Municipal Code," hereinafter referred to as the "Municipal Code."

Section 2. Ordinances repealed. All ordinances of a general, continuing, and permanent application or of a penal nature not contained in the municipal code are hereby repealed from and after the effective date of said code, except as hereinafter provided in section 3 below.

Section 3. Ordinances saved from repeal. The repeal provided for in section 2 of this ordinance shall not affect: Any offense or act committed or done, or any penalty or forfeiture incurred, or any contract or right established or accruing before the effective date of the municipal code; any ordinance or resolution promising or requiring the payment of money by or to the town or authorizing the issuance of any bonds or other evidence of said town's indebtedness; any budget ordinance; any contract or obligation assumed by or in favor of said town; any ordinance establishing or authorizing the establishment of a social security system or providing or changing coverage under that system; any administrative ordinances or resolutions not in conflict or inconsistent with the provisions of such code; the portion of any ordinance not in conflict with such code which regulates speed, direction of travel,

passing, stopping, yielding, standing, or parking on any specifically named public street or way; any right or franchise granted by the town; any ordinance dedicating, naming, establishing, locating, relocating, opening, closing, paving, widening, vacating, etc., any street or public way; any ordinance establishing and prescribing the grade of any street; any ordinance providing for local improvements and special assessments therefor; any ordinance dedicating or accepting any plat or subdivision; any prosecution, suit, or other proceeding pending or any judgment rendered on or prior to the effective date of said code; any zoning ordinance or amendment thereto or amendment to the zoning map; nor shall such repeal affect any ordinance annexing territory to the town.

Section 4. Continuation of existing provisions. Insofar as the provisions of the municipal code are the same as those of ordinances existing and in force on its effective date, said provisions shall be considered to be continuations thereof and not as new enactments.

Section 5. Penalty clause. Unless otherwise specified, wherever in the municipal code, including the codes and ordinances adopted by reference, any act is prohibited or is made or declared to be unlawful or an offense or a misdemeanor, or wherever in the municipal code the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of the municipal code shall be punishable by a penalty of not more than fifty dollars (\$50.00) and costs for each separate violation; provided, however, that the imposition of a penalty under the provisions of this section shall not prevent the revocation of any permit or license or the taking of other punitive or remedial action where called for or permitted under the provisions of the municipal code or other applicable law.

When any person is fined for violating any provision of the municipal code and such person defaults on payment of such penalty, he may be required to perform hard labor, within or without the workhouse, to the extent that his physical condition shall permit, until such penalty is discharged by payment, or until such person, being credited with such sum as may be prescribed for each day's hard labor, has fully discharged said penalty.¹

Each day any violation of the municipal code continues shall constitute a separate offense.

¹State law reference

For authority to allow deferred payment of fines, or payment by installments, see Tennessee Code Annotated, § 40-24-101 et seq.

Section 6. Severability clause. Each section, subsection, paragraph, sentence, and clause of the municipal code, including the codes and ordinances adopted by reference, is hereby declared to be separable and severable. The invalidity of any section, subsection, paragraph, sentence, or clause in the municipal code shall not affect the validity of any other portion of said code, and only any portion declared to be invalid by a court of competent jurisdiction shall be deleted therefrom.

Section 7. Reproduction and amendment of code. The municipal code shall be reproduced in loose-leaf form. The board of mayor and aldermen, by motion or resolution, shall fix, and change from time to time as considered necessary, the prices to be charged for copies of the municipal code and revisions thereto. After adoption of the municipal code, each ordinance affecting the code shall be adopted as amending, adding, or deleting, by numbers, specific chapters or sections of said code. Periodically thereafter all affected pages of the municipal code shall be revised to reflect such amended, added, or deleted material and shall be distributed to town officers and employees having copies of said code and to other persons who have requested and paid for current revisions. Notes shall be inserted at the end of amended or new sections, referring to the numbers of ordinances making the amendments or adding the new provisions, and such references shall be cumulative if a section is amended more than once in order that the current copy of the municipal code will contain references to all ordinances responsible for current provisions. One copy of the municipal code as originally adopted and one copy of each amending ordinance thereafter adopted shall be furnished to the Municipal Technical Advisory Service immediately upon final passage and adoption.

Section 8. Construction of conflicting provisions. Where any provision of the municipal code is in conflict with any other provision in said code, the provision which establishes the higher standard for the promotion and protection of the public health, safety, and welfare shall prevail.

Section 9. Code available for public use. A copy of the municipal code shall be kept available in the clerk's office for public use and inspection at all reasonable times.

Section 10. Date of effect. This ordinance shall take effect from and after its final passage, the public welfare requiring it, and the municipal code, including all the codes and ordinances therein adopted by reference, shall be effective on and after that date.

Passed 1st reading April 12, 1994.

Passed 2nd reading June 14, 1994.

Mary Grey Jenkins
Mayor

Demetra O'Neal
Clerk