

STATE OF ALABAMA
COUNTY OF BLOUNT
TOWN OF CLEVELAND

ORDINANCE NO. 2026-03

ORDINANCE REGARDING
ILLEGAL BURNING PREVENTION
AND ENFORCEMENT

NOW, THEREFORE BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF CLEVELAND, ALABAMA, in regular meeting duly assembled, a quorum being present, as follows:

Section 1. Title and Purpose

This ordinance shall be known as the "Illegal Burning Prevention and Enforcement Ordinance." The purpose of this ordinance is to protect the health, safety, and welfare of the citizens of Cleveland by regulating the burning of materials within Town limits, preventing hazardous conditions, and ensuring compliance with environmental standards as outlined by the Alabama Department of Environmental Management (ADEM).

Section 2. Definitions

Illegal Burning: The intentional or negligent combustion of any substance or material not expressly permitted under this ordinance or relevant state and federal laws, including but not limited to household waste, tires, plastics, construction debris, and hazardous materials.

Permitted Burning: Burning activities explicitly allowed under this ordinance, such as prescribed agricultural burns, recreational campfires, or controlled burning by authorized entities.

ADEM Guidelines: Standards and regulations issued by the Alabama Department of Environmental Management governing open burning, including but not limited to ADEM Administrative Code Rule 335-3-3-.01 and subsequent amendments.

Enforcement Authority: The Cleveland Volunteer Fire Department, Cleveland Police Department, and any other agency or official designated by the City Council, Fire Chief,

or Police Chief, to enforce the provisions of this Ordinance.

Section 3. Prohibited Acts

No person, corporation, partnership, or entity shall ignite, cause to be ignited, or permit the burning of any material within the Town limits except as expressly permitted by this ordinance. Illegal burning includes, but is not limited to:

- Burning household garbage, refuse, or solid waste.
- Burning tires, plastics, rubber, or synthetic materials.
- Burning construction or demolition debris.
- Burning hazardous or toxic substances.
- Burning less than 500 feet from the nearest occupied dwelling other than a dwelling located on the property on which the burning is conducted.
- Leaving any burn, permitted or not, unattended at any time while actively burning.
- Any burning that violates ADEM guidelines.

Section 4. Exceptions

The following burning activities are permitted, provided they comply with ADEM regulations and do not endanger public health or safety:

- Recreational campfires or cooking fires in approved devices.
- Prescribed agricultural burns conducted by authorized personnel.
- Fire training exercises by the Cleveland Volunteer Fire Department or other authorized entities.
- Burning of yard waste, leaves, or brush, provided it is conducted under conditions set forth by the City Council and does not violate ADEM standards.
- Prescribed burning by a person who holds a valid burn permit issued by the Department of Forestry and is present during any burn operations.

- All permitted burning activities must be supervised and conducted in a manner that prevents the spread of fire and minimizes smoke and environmental impact.

Section 5. Enforcement Authority

The Cleveland Volunteer Fire Department shall have primary enforcement authority for this ordinance, including the power to investigate, issue citations, and order the extinguishment of illegal burns. The Cleveland Police Department and other city agencies responsible for life, fire, property, and public safety shall also be vested with enforcement powers. These entities may enter any property without cause to enforce the provisions of this ordinance and protect public safety.

Section 6. Penalties and Remedies

Any person or entity found in violation of this ordinance shall be subject to the following penalties:

- A written warning or a fine of not less than \$100 and not more than \$1,000 for each violation. A fee schedule will be set forth as follows and will be collected using a third-party billing agency.
 - First offense: Written warning and/or \$100.00 fine
 - Second offense: \$250.00 fine
 - Third offenses: \$500.00 fine
 - Fourth or more \$1000.00 fine and the case will be forwarded to ADEM or the State Fire Marshall's Office for further investigation.
- Failure to remit fine amounts issued by the department or billing agency will result in the fine being forwarded to a collection agency, and/or being reported to credit bureaus according to the collection agency's policies.
- Restitution for damages to property, public health, or environmental harm caused by illegal burning.
- Immediate cessation of illegal burning and compliance with corrective actions ordered by enforcement authorities.
- Repeat offenses may result in increased fines, criminal prosecution, and revocation of permits for burning activities.

Section 7. Appeals and Procedures

Any person or entity cited for violation of this ordinance may appeal the citation or enforcement action to the Cleveland Town Council within fifteen (15) days of issuance.

The Council shall review the appeal in a public meeting, and its decision shall be final. Procedures for appeal, including required documentation and timelines, shall be established by the Town Clerk and made

Section 8. Effective Date

That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall be in full force and effect as provided by law and shall continue in full force and effect from month to month and year to year from its effective date until repealed.

THEREFORE, BE IT ORDAINED, that the Town Council of the Town of Cleveland, Alabama, does hereby ordain and enact the foregoing Ordinance for the Town of Cleveland.

ADOPTED & APPROVED: This 14th day of May 2026.

TOWN OF CLEVELAND, ALABAMA

By: [Signature]
Mayor

ATTEST:

[Signature]
Town Clerk