

**A RESOLUTION REGULATING OPEN BURNING WITHIN THE
UNINCORPORATED AREAS OF LOUDON COUNTY**

Whereas, the Board of County Commissioners of Loudon County has determined that it would be beneficial to the inhabitants of Loudon County to adopt the County Powers Act as authorized by T.C.A. 5-1-118(c), and has duly authorized the exercise of such powers by the adopting of Loudon County Resolution No. 020705-L by a 2/3 majority vote; and

Whereas, the Loudon County Commission desires to adopt this resolution on "Open Burning" under its regulatory authority and under its general police powers; and

Whereas, Loudon County is concerned about the potential health problems associated with excessive air pollution from burning trash, wood scraps, brush, tree limbs, and other materials and debris within the unincorporated areas of the County; and

Whereas, Loudon County finds that burning of such above listed materials contributes to increased air pollution; and

Whereas, Loudon County, along with several other counties in East Tennessee, has been designated by the United States Environmental Protection Agency (EPA) as being a non attainment area for both ozone and fine particulate matter; and

Whereas, open burning of such above listed materials contributes significantly to particulate material in the air; and

Whereas, it has been demonstrated that inhalation of particulate material can cause serious respiratory health problems; and

Whereas, EPA data indicate particulate material generated from clearing and burning of 100 acres is equivalent to the particulate material generated by all diesel trucks passing through Loudon County in a one year period; and

Whereas, the State of Tennessee regulates open burning through Chapter 1200-3-4 of the Tennessee Department of Environment and Conservation (TDEC) Rules; and

Whereas, TDEC Rules do not prohibit the burning of wood waste by developers for the purpose of land development.

Now, Therefore Be It Resolved, that the Loudon County Commission meeting in regular session, assembled this 8th day of May, 2006, hereby regulates open burning as follows:

Section 1.

Definitions:

"*Open Burning*" is the burning of any matter under such conditions that products of combustion are emitted directly into the open atmosphere without passing directly through a stack.

"*Wood Waste*" is defined as any product which has not lost its basic character as wood, such as bark, sawdust, chips, and chemically untreated lumber whose "disposition" by open burning is solely to get rid of or destroy.

"Established Private Residence" is a residential dwelling that is occupied full time.

"Agricultural Purposes" includes growing crops for human or animal consumption or raising livestock for human consumption. It covers property utilized for the construction of tool sheds, barns or other outdoor storage structures necessary to perform routine farming or homeowner maintenance practices. (Outdoor structures may also be demolished and burned at the owner's discretion so long as the material to be burned is in compliance with state law). Agricultural purposes also includes privately owned forest land requiring routine clearing of brush, thickets, dead trees, etc.

"Person" is any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, agency, authority, commission, department of the United States Government, or of the State of Tennessee Government, or any other legal entity or their legal representative, agent or assigns.

Section 2.

All open burning in Loudon County, must comply with the applicable State Rules (TDEC Rule/Chapter 1200-3-4). The enforcement of these Rules is the responsibility of TDEC.

Section 3.

In addition to complying with TDEC Rule/Chapter 1200-3-4, it is illegal for any person to cause, suffer, or allow, or permit open burning of any trash, wood scraps, brush, tree limbs, and/or other materials and debris that are generated by clearing of vacant lots or vacant land for purposes of land development. Open burning for agricultural purposes and open burning on land where there is an established private residence are specifically exempted from this Section.

Section 4.

It is illegal for any person to cause, suffer, or allow, or permit open burning of any trash, wood scraps, brush, tree limbs, and/or other materials and debris that are not produced by the land upon which it is burned or substantially used on the property prior to its being burned.

Section 5.

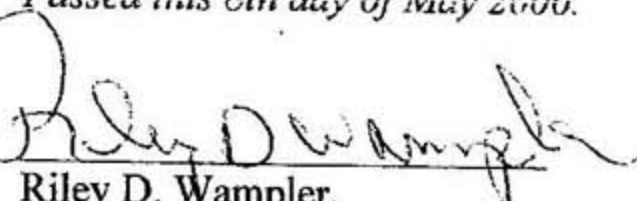
Violations of this resolution shall be subject to a fine of \$50.00 per day of violation and up to \$500.00 in remedial fees.

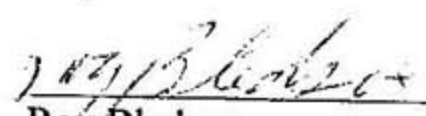
Section 6.

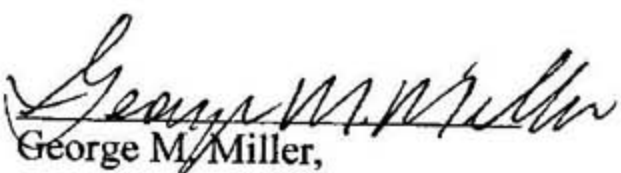
The Loudon County Building Commissioner is hereby authorized and directed to enforce the provisions of this Resolution.

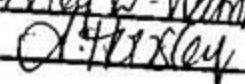
Now, Be It Finally Resolved, that this Resolution shall take effect immediately, the public welfare requiring it.

Passed this 8th day of May 2006.


Riley D. Wampler,
County Clerk


Roy Bledsoe,
Chairman


George M. Miller,
County Mayor

STATE OF TENNESSEE, LOUDON COUNTY
I, Riley D. Wampler, County Court Clerk for said county
certify this to be a true and correct copy of the original
which is on file in my office at the Court House, Annex
in Loudon. Witness my hand and seal at office, this
July 10, 2006, Pages 2
Riley D. Wampler Clerk
By  D.C.