

**Public Health, Welfare & Safety Committee Meeting**  
**The Mahoney Building**  
**210 Woodbine Street**  
**July 24, 2023 – 5:30 PM**

**Agenda**

**Committee Members:** Chairman Larry Raney, Vice Chairman Jimmy Young, Justices Esther Dixon, Dayton Myers, Debbie McGrew, Jason Braziel, and Thomas Anderson

All Justices of the Peace are welcome and encouraged to attend.

1. Call to order and invocation.
2. Discuss revisions to the proposed ordinance to amend Garland County Code, Chapter 25 – Fire Prevention and Protection ordinance O-01-29, regarding open burning.
3. Discuss proposing an ordinance concerning property line/lot setbacks, drainage, and subdivision requirements in the county.
4. Adjourned

**BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS,  
AN ORDINANCE TO BE ENTITLED:**

**“AN ORDINANCE TO AMEND GARLAND COUNTY CODE, CHAPTER 25 – FIRE PREVENTION AND PROTECTION (O-01-29), REGARDING OPEN BURNING, AND FOR OTHER PURPOSES.”**

**WHEREAS**, O-01-29 was enacted by the Garland County Quorum Court on August 13, 2001, and which is codified in the Garland County Code at SECTION 25 – FIRE PREVENTION AND PROTECTION, and which authorized the county judge to declare a burn ban in certain conditions, established a process to obtain a burning permit during a burn ban, and established procedures and penalties for burning during a burn ban without a permit; and

**WHEREAS**, unregulated burning of certain materials creates air pollution, ground and water pollution, and creates a safety hazard, and

**WHEREAS**, amendments are needed to regulate the burning of certain materials in the unincorporated areas of the county, and

**WHEREAS**, the Public Health, Safety and Welfare Committee has previously considered this ordinance and recommended approval; and

**NOW, THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF GARLAND COUNTY, ARKANSAS:**

**ARTICLE 1.**

A new section shall be added to SECTION 25 – FIRE PREVENTION AND PROTECTION and shall read as follows:

**(a) OPEN BURNING PROHIBITED**

1. No person or entity shall burn or cause to be burned any of the following items in the unincorporated areas of Garland County at any time without a permit issued by the county judge:
  - A. Household waste
  - B. Construction debris
  - C. Furniture or household goods
  - D. Lumber, sawdust or processed wood products
  - E. Cardboard or paper products
  - F. Tires, roofing, plastics, rubber, styrofoam, or other petroleum-based products
  - G. Animal carcasses.

**(b) EXCEPTION**

Any person or entity may burn yard waste, leaves, limbs, brush, trees and stumps originating on his or her or its own real property at any time without a permit, unless a burn ban is in effect.

**(c) PENALTY**

Any person or entity violating any provision of this section shall be fined not less than \$100.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed for each specific violation or for each day on which a violation occurs or continues.

**(d) ENFORCEMENT**

The Garland County Sheriff's Office shall enforce this ordinance. The Garland County Environmental Inspections Division shall have concurrent authority to enforce this ordinance.

**(e) PERMIT**

The county judge or his designee shall have the authority to issue a permit to burn certain items set forth in Section (a)(1) in cases of emergency or conditions where such burning is determined to be in the public interest. Any person or entity seeking a permit shall apply to the county judge or his designee in writing, in advance, and receive said permit prior to burning. Issuance of a permit shall be at the discretion of the county judge or his designee and shall not be mandatory. The county judge or his designee shall have the authority to charge a permit fee of not more than \$\_\_\_\_\_.

**ARTICLE 2. CODIFICATION**

This section shall be codified in the Garland County code and the sections shall be renumbered and re-lettered as necessary.

**ARTICLE 3: SEVERABILITY**

If any provision of this ordinance is found to be invalid by the decision of any court of competent jurisdiction, such invalidity shall not affect the remaining sections, phrases, and provisions of this ordinance which remain valid and enforceable.

**ARTICLE 4: EMERGENCY CLAUSE**

The Garland County Quorum Court finds that the immediate implementation of this ordinance is necessary for the preservation of the public's peace, health, safety, welfare, and property, an emergency is hereby declared to exist and that this ordinance is to be in effect immediately after its adoption.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

APPROVED: \_\_\_\_\_  
GARLAND COUNTY JUDGE  
DARRYL MAHONEY

ATTEST: \_\_\_\_\_  
GARLAND COUNTY CLERK  
SARAH SMITH

SPONSOR: \_\_\_\_\_  
JUSTICE OF THE PEACE