

Section ID:

Section:

Title: Controlled Burn (Amendment) No. 28

Last Revised Date: 1/15/2003

Description:

PAHRUMP CONTROLLED BURN ORDINANCE

AMENDMENT TO PAHRUMP TOWN ORDINANCE NO. 28

Section:

28.000 Purpose of Ordinance

28.010 Short Title

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Restrictions

28.110 Burning of Waste Vegetation

28.120 Exceptions for Specific Agricultural Burns

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AN ACT AMENDING ORDINANCE NO. 28 PROVIDING FOR RULES AND REGULATIONS IN THE CONDUCTING OF CONTROLLED BURNS AND PROHIBITIONS THEREFOR; CORRECTING AND CLARIFYING INACCURACIES AND CLERICAL ERRORS AND FOR OTHER MATTERS PROPERLY RELATING THERETO.

WHEREAS, the Town Board of the Town of Pahrump is granted authority under N.R.S. Chapter 269 to create and maintain an ordinance to control burning within the unincorporated Town of Pahrump, and

WHEREAS, an examination of that ordinance revealed matters that through time or clerical error need to be revised, and

WHEREAS, the Town Board of the Town of Pahrump is desirous of bringing the Ordinance current with the existing needs of the Town of Pahrump and the residents thereof.

NOW, THEREFORE, THE TOWN BOARD OF THE UNINCORPORATED TOWN OF PAHRUMP, NYE COUNTY, NEVADA, DOES ORDAIN AS FOLLOWS:

Pahrump Town Ordinance No. 28, is hereby amended as follows:

28.000 PURPOSE OF ORDINANCE. Providing for rules and regulations in the conducting of controlled burns and prohibitions therefor within the unincorporated Town of Pahrump, Nye County, Nevada.

28.010 SHORT TITLE. The Title by which this ordinance shall be known is the “PAHRUMP CONTROLLED BURN ORDINANCE”.

28.100 BURNING OF TRASH PERMITTED; RESTRICTIONS. The burning of household trash is permitted providing it is done in a metal container large enough to contain the fire but no larger than a fifty-five (55) gallon oil drum and covered by a mesh screen, commonly known as a “burn barrel”, limited to paper products, not burned within twenty-five (25) feet of any other combustible material and under constant observation of an adult while burning. The ashes or residue of said burn must be disposed of at an area designated by Nye County or the Town Board of Pahrump as a dump provided, however, that nothing shall prohibit an individual of disposing of ashes on his own property for legitimate domestic or gardening purposes. No burning as described herein shall be conducted after sunset or before sunrise. The burning of waste in a pit is specifically prohibited.

(a) All persons desiring to conduct burns in a burn barrel as described herein above must first obtain a permit from the Pahrump Volunteer Fire Department. Applications for the permit shall be available at the main fire station, 350 N. Highway 160, Pahrump, NV, during business hours and the permit shall require no fee. Only one such permits shall be required for burns conducted herein.

(b) Specifications and a description of an authorized burn barrel and mesh screen covering may be obtained at the main Pahrump Fire Station at 350 N. Highway 160, Pahrump, NV, during business hours.

28.110 BURNING OF WASTE VEGETATION. The burning of waste vegetation including grass cuttings, tree limbs and vegetation resulting from land clearing is permitted provided that there are, at the time, no winds in excess of five (5) miles per hour, unless specifically waived by the Pahrump Volunteer Fire Department, and the vegetation is dried sufficiently for burning and notification has been given before burning to the Pahrump Volunteer Fire Department or the Nye County Sheriff’s Office.

No burn shall be conducted after sunset or before sunrise.

(a) All persons desiring to conduct the burning of waste vegetation as described herein above must first obtain a permit from the Pahrump Volunteer Fire Department. Applications for the permit shall be available at the main fire station, 350 N. Highway

160, Pahrump, NV, during business hours and the permit shall require no fee. Only one such permits shall be required for burns conducted herein.

(b) All persons desiring to conduct burns the burning of waste vegetation as described herein must first report said burn in accordance with Section 28.300 herein.

28.120 EXCEPTIONS FOR SPECIFIC AGRICULTURAL BURNS. This Ordinance shall not apply to agricultural burns conducted in accordance with the regulations and laws of the State of Nevada and/or the United States Department of Agriculture.

28.130 OTHER BURNING. The burning of other material or structures not specifically permitted in this Ordinance is prohibited unless written permission is first obtained from the Pahrump Volunteer Fire Department. Such prohibition shall not extend to fireplaces or similar small controlled fires such as camp fires and barbecues, but shall extend to any fire not contained in a non-flammable enclosure.

28.200 BURNING OF DEAD ANIMALS UNLAWFUL. No person shall dispose of a dead animal by incineration, including any parts thereof, unless ordered to do so by a government agency of competent jurisdiction.

28.210 TRANSPORTING OF HOT BARRELS. It is unlawful to transport from any point to any point within the Town of Pahrump any barrel, can, or other container containing burned material which has not cooled below one hundred twenty-five (125) degrees Fahrenheit.

28.220 SETTING FIRE TO DUMP PROHIBITED. It is unlawful to cause a fire at any Nye County or Town of Pahrump dump or disposal site unless ordered to do so by a competent County or Town official or employee.

28.300 REPORTING CONTROLLED BURNS. No person shall commence burning, including burns pursuant to Sections 28.100 through 28.130 of this Ordinance, before first notifying the Pahrump Volunteer Fire Department or Nye County Sheriff's Substation of the location of said burn, the type of burn, the person or persons responsible for said burn and the approximate duration of said burn. Permission to burn may be refused by the Fire Chief if conditions make such a burn hazardous to persons or property. The determination that such conditions exist is solely within the discretion of the Fire Chief of the Pahrump Volunteer Fire Department.

28.310 LIABILITY IN ADDITION TO GENERAL PENALTY. Any person igniting a fire or maintaining a fire in violation of this ordinance to which fire equipment has responded to an alarm shall be responsible for the cost of such response in addition to the general penalty for the violation. Such cost shall be based on actual cost to the Pahrump Volunteer Fire Department as determined by the Town Board or Town Manager but shall not be less than fifty dollars (\$50.00). Said penalty shall be billed by the Town Clerk, and if unpaid within ten (10) days shall be treated as any other unpaid debt to the Town. Funds collected under this subsection shall be credited to the general operating funds of the Pahrump volunteer Fire Department. A copy of the Pahrump Valley Fire Department's fee schedule is available at the main Pahrump Fire Station.

28.400 **PENALTIES.** Any person violating the provisions of this Ordinance shall be guilty of a misdemeanor; and, upon conviction thereof, shall be punished as the Nevada Revised Statutes allow for a misdemeanor crime. Whenever in this Ordinance any act is prohibited, or is made or declared to be unlawful, or an offense or a misdemeanor, or whenever in such ordinance the doing of any act is required, or the failure to do any act is made or declared to be unlawful, or an offense or misdemeanor, the doing of any such prohibited act, or the failure to do any such required act, shall constitute a violation of this ordinance. Every day of violation of this Ordinance constitutes a separate offense.

28.410 **SEVERABILITY.** Every Section of this ordinance, and every part of each section hereof is hereby declared to be independent of each other and parts of sections, and the holding of any section or any part thereof to be voided or ineffective for any cause, shall not be deemed to affect, nor shall it affect, any other section or part of section contained in this ordinance.

28.420 **REPEAL.** All ordinances, parts of ordinances, or chapters, sections, subsections or paragraphs or resolutions previously adopted by the Pahrump Town Board which are in conflict herewith are hereby repealed.

28.430 **EFFECTIVE DATE.** This Ordinance shall be in full force and effect from and after its passage, adoption and second publication in a newspaper printed and published within the Town of Pahrump, County of Nye, State of Nevada.

AMENDED PTO NO. 28

AMENDED PAHRUMP CONTROLLED BURN ORDINANCE

Proposed on the 28th day of May, 1996.

Proposed by Board Member __Signature on file__.

Passed on the 8th day of October, 1996.

VOTE: AYES:

__Signatures on file__

NAYS:

ABSENT:

ATTEST:

__Signature on file__

Town Clerk

Published in the Pahrump Valley Times on October 11 and 25, 1996.