COMMONWEALTH OF KENTUCKY
COUNTY OF PENDLETON
PENDLETON COUNTY FISCAL COURT
ORDINANCE NO. 340.7

AN ORDINANCE OF AND BY THE PENDLETON COUNTY FISCAL COURT PREVENTING UNNECESSARY DEPLOYMENT OF EMERGENCY SERVICES BY REQUIRING ANY PERSON WISHING TO BURN, WHO ABIDES BY STATE AND LOCAL LAWS, TO PROVIDE PROPER NOTIFICATION OF HIS OR HER INTENT.

Whereas, fire department and ambulance personnel throughout Pendleton County are many times called to controlled burns by neighbors and/or passers-by, and

Whereas, fire department and ambulance personnel being called to a controlled burn are placed at an unnecessary risk to their safety and to the safety of the driving public, and

Whereas, deployment to a controlled burn causes unnecessary expenses for fire departments, unnecessary cost to fire fighters and unnecessary wear and tear to fire equipment, and

Whereas, notifying 911 Dispatch of a controlled burn will prevent those who burn within state and county guidelines from perhaps being billed for fire runs where fire departments are dispatched, and

Whereas, this ordinance does not preclude or deviate in any way from any organization, business or person meeting any and all state, federal and local laws related to burning.

Be it ordained by the Fiscal Court of Pendleton County, Commonwealth of Kentucky:

SECTION 1

Burning Notification

A. Any person wishing, to burn while abiding by state and local laws, must notify the Pendleton County Dispatch Center at 859-654-3300 of his or her intent to conduct a controlled burn before starting any fire in Pendleton County.

B. Any person wishing to burn must be able to control such a fire so as to prevent it from causing damage to property or structures not intended for burning.

C. Any person who has completed a burning process must notify the 911 Dispatch Center immediately upon completion.

SECTION 2

Failure to Notify of Burning

A. Any person who fails to follow proper notification as prescribed above shall be billed for any services provided by the county under County Ordinance 220.12 or by the fire department providing such service whether being called by he or she or by anyone else, such as friend, neighbor, passer-by etc.

B. Any person who violates this or any section of this ordinance shall be guilty of a violation and may be fined for such violation or incarcerated.

SECTION 3

Severable

The provisions of this ordinance are severable. If any sentence, clause or section or part of this ordinance or the application thereof to any particular case is for any reason found to be unconstitutional, illegal, or invalid, such unconstitutionality, illegality, or invalidity shall not affect or repeal any of the remaining provisions, sentences, clauses or sections or part of this ordinance, it being the legislative intent of this body to ordain and enact such provision, section, paragraph, sentence, and part hereof separately and independently of such other provision.

SECTION 4

Violations

Any person, organization or business who violates any part of this Ordinance may be fined not less than One Hundred ($100.00) Dollars nor more than Two Hundred ($200.00) Dollars, or be sentenced to no more than Ten (10) days in jail, or both fines and incarceration; each separate violation or each day that a violation exists shall be a separate offense.

This ordinance shall become effective upon passage and publication.

GIVEN FIRST READING AND ORDERED PUBLISHED BY THE PENDLETON COUNTY FISCAL COURT ON THIS THE 13 DAY OF NOVEMBER, 2007.

APPROVED BY THE PENDLETON COUNTY FISCAL COURT AND ORDERED RECORDED ON THIS 27 DAY OF NOVEMBER, 2007.

ATTEST: Rita M Spencer
Rita Spencer
Pendleton County Clerk

Henry W. Bertram
Henry W. Bertram
Pendleton County Judge/Executive

First reading: 11-13-2007

Second reading: 11-27-2007

Passage: 11-27-2007

Publication: 12-4-2007