

**VAN BUREN COUNTY QUORUM COURT
ORDINANCE NO. O-2025-16**

BE IT ENACTED BY THE QUORUM COURT OF THE COUNTY OF VAN BUREN, STATE OF ARKANSAS, AN EMERGENCY ORDINANCE TO BE ENTITLED:

AN EMERGENCY ORDINANCE TO DECLARE THE VIOLATIONS OF BURNING DURING BURN BANS IN VAN BUREN COUNTY, TO REPEAL ORDINANCE 2011-18, TO DECLARE AN EMERGENCY, AND FOR OTHER PURPOSES.

WHEREAS: There is a need to update the policies concerning burning during a burn ban which were established in Ordinance 2011-18; and

WHEREAS: Arkansas Code § 5-38-310 declares unlawful burning to be a Class A Misdemeanor; and

WHEREAS: Arkansas Code § 5-38-310, (a)(9) defines the violation of a burn ban as “Sets on fire or causes or procures to be set on fire any forest, brush, or other flammable material in violation of a burn ban on outdoor burning declared under § 12-75-108”; and

WHEREAS: Arkansas Code § 12-75-108 grants local disaster emergency declarations to the County Judge; and

WHEREAS: Arkansas Code § 14-14-906 grants authority to the Quorum Court to assess a penalty of up to one thousand (1,000) dollars for any one (1) specified offense or violation, or double that sum for each repetition of the offense of violation; and

WHEREAS: There is a need to establish penalties for burning during a Burn Ban as declared by the County Judge.

THEREFORE, BE IT ENACTED BY THE QUORUM COURT OF VAN BUREN COUNTY, ARKANSAS THAT:

Section 1. The County Judge, at his/her discretion, may issue a Burn Ban under Arkansas Code § 12-75-108.

Section 2. The County Judge, at his/her discretion, may allow certain fires to be allowed as written in the Emergency Declaration (Court Order) which establishes the Burn Ban. Examples of those fires may include, but not be limited to, outdoor grilling, campfires at designated Corp. of Engineer sites, or enclosed burning.

Section 3. The penalty for violating the Emergency Declaration of the Burn Ban shall be the maximum amount allowed by Arkansas State Law under Arkansas Code § 14-14-906.

Section 4. The penalty for burning during a declared Burn Ban shall be a Class A Misdemeanor per Arkansas Code § 5-38-310.

Section 5. For the purpose of assessing penalties/fines for violating the Emergency Declaration of the Burn Ban, a “repetition of the offense” as stated in Arkansas Code § 14-14-906 shall be within a period of two (2) years.

Section 6. This Ordinance shall be enforced through the Van Buren County Sherrif’s Department and/or any other law enforcement officers legally acting within Van Buren County, Arkansas, including Constables.

Section 7. EMERGENCY CLAUSE: This Ordinance, being necessary to provide for and protect the health, safety, and welfare of the citizens of Van Buren County, Arkansas, and of their properties, an emergency is declared to exist and this Ordinance shall be in full force and effect immediately upon its adoption.

APPROVED THIS 17TH DAY OF APRIL, 2025.

APPROVED: _____

Dale James, Van Buren County Judge

ATTEST: _____

Pam Bradford, Van Buren County Clerk