

State of Alabama            )  
City of Tuscaloosa        )

**EXECUTIVE ORDER OF THE MAYOR**

To: Chief of Tuscaloosa Fire Rescue Service  
City of Tuscaloosa Fire Marshals

Executive Order Number: 2011-016

Date: May 12, 2011

Regarding: Emergency regulations pertaining to open burning restrictions  
(File No. A11-0490)

**Authority:**

By the authority vested in me by the applicable provisions of the laws of the State of Alabama, including but not limited to Ala. Code §11-44B-7 (1975), pursuant to which the Mayor of the City as the Chief Executive Officer has the general supervision and control of all other officers and the affairs of the City, and pursuant to the emergency powers vested in me as Mayor by Alabama State Law and the ordinances and resolutions of the City of Tuscaloosa, and including without limitation ALA. CODE §11-45-1, ALA. CODE §31-9-10, §9-3 and §9-11 of the Code of Tuscaloosa, the Proclamation of Existence of a Local Disaster And Emergency issued by me on April 27, 2011, and the resolution of the Tuscaloosa City Council adopted on April 27, 2011, and as otherwise provided by law, I, Walter Maddox, as Mayor do hereby order and direct as follows:

**1. GENERAL FINDINGS.**

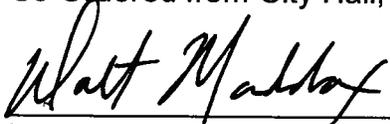
- a. Section 11-28 of the Code of Tuscaloosa regulates open burning. It includes, *inter alia*, a prohibition against open burning that commences after 3:00 PM, and also prohibits combustible material being added to an openly burning fire after that time. This regulation and its 3:00 PM time limit is based primarily on §335-3-3-.01 of the Alabama Administrative Code, an air quality rule adopted by the Alabama Department of Environmental Management (ADEM).
- b. ADEM has in place guidelines that allow open burning to commence – and for combustible material to be added – after 3:00 PM when the open burning relates to debris created by catastrophic natural events, and when particular measures are taken to mitigate the air quality concerns underlying the State and City regulation. ADEM agrees that this exception is currently applicable to debris removal caused by the recent storms.

- c. I find that the declarations of disaster and emergency currently in effect, justifies an executive regulation that abates the 3:00 PM time control provided by §11-28 of the Code of Tuscaloosa, so long as certain guidelines as set out below are followed.
2. **EMERGENCY REGULATION:** The Chief of Fire Rescue Service and all City of Tuscaloosa Fire Marshals, are authorized to allow open burning in disregard of the 3:00 PM time limit provided by §11-28(b)(2)c., so long as the open burning guidelines issued by ADEM are followed. The Chief and Fire Marshals may provide reasonable guidelines and rules to effectuate this Executive Order; may limit the exemption from §11-28(b)(2)c to those able to show compliance or plans for compliance with the ADEM guidelines; and/or may for reasonable cause withdraw such exemption at any time, whether for certain entities or for all.
  3. **EFFECTIVE DATES:** This regulation is effective immediately, and shall be in effect until an amendment to §11-28 is presented to the City Council for appropriate action at its next regularly schedule meeting; and if such an amendment is adopted by the City Council, then this regulation shall continue in effect until an ordinance adopting the amendment becomes effective.

#### **Implementation:**

All Departments of the City and their respective employees to whom this Executive Order applies shall forthwith implement the same in accordance with its terms and requirements. Nothing contained in this order shall relieve a person from any requirement to obtain a license or other authorization in compliance with applicable laws and regulations. This order is not intended to conflict with, supersede or contradict any lawful ordinance or resolution duly enacted by the City Council, except as allowed by law. This Order does not create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by a party against the City, its departments, agencies, entities, officers, employees, or agents, or any other person.

So Ordered from City Hall, effective immediately.



Walter Maddox  
Mayor, City of Tuscaloosa