

## ORDINANCE 356

### An Ordinance Governing Commercial and Residential Burning

#### ARTICLE I: Commercial Open Burning

No person shall ignite, cause to be ignited, permit to be ignited or maintain any open fires except as permitted by sections of this Ordinance.

- A. **Permits or certificates.** The City of Louisville Fire Department shall be designated as the office to issue Commercial Controlled Burning Permits. The Fire Chief of the City of Louisville is authorized to issue written permits for Commercial Burning Permits as provided in such ordinance.
- B. **Fires in public right-of-way.** Under no circumstances, whether or not a permit has been issued, shall a person ignite, cause to be ignited, and permit to be ignited or maintain any open fire within the limits of any public road or right-of-way.
- C. **Fires burning out of control.** Whether or not a permit has been required or issued, no person shall ignite, cause to be ignited, permit to be ignited or maintain any open fire, nor shall any person authorize others to do so on land owned or controlled by him, in such a manner as to allow such fire to burn out of control so as to require response of fire apparatus and/or personnel.
- D. **Evidence of violations.** A determination by the Fire Chief or representatives of the Mississippi Forestry Commission on the question of whether a fire has been allowed to burn out of control so as to cause response of fire apparatus and personnel shall be prima facie evidence on such question in any prosecution under the provisions of this article.
- E. **Banning of fires during periods of extreme fire danger.** The City Fire Chief shall have power to ban all outside fires during periods of extreme fire danger in his discretion, and it shall be unlawful to ignite or maintain any fire during the period of any such ban. No such permits shall be issued and no person shall ignite, cause or permit to be ignited or maintain any open fire when it has been determined to be a period of extreme fire danger by the City Fire Chief, Mississippi Forestry Commission, or a State of Mississippi agency responsible for the welfare and safety of the public.
- F. **Extinguishing of fires.** The Fire Chief or any officer of the Fire Department, the Director of Health, or his designee, or any sworn officer of the Police Department may require any person who ignites or maintains a fire in violation of the provisions herein to extinguish such fire forthwith. Failure to extinguish such fire shall be a violation of this ordinance.

G. **Commercial Burning Requirements.** Burning shall be allowed only in accordance with the following conditions:

1. The responsible party must obtain a "Commercial Controlled Burn Permit" from the Fire Chief of the City of Louisville Fire Department as a means of informing the Department that the responsible party intends to by means of burning dispose of Natural Vegetation, and Other Class A Ordinary Combustible Materials **ONLY**. Reasonable safety precautions must be taken, including clearing of grass and trees in the burning area, providing a charged water hose or fire extinguisher, and providing adequate personnel to control the burn and having no other combustible material within 100 feet of the allowed burn and no closer than 500 feet from property **NOT** owned by the responsible party.
2. No more than two (2) piles of debris shall be allowed to burn (Emitting Smoke and or Flame) at any time.
3. Commercial burning must be performed in accordance with the General Statutes of the State of Mississippi and the City of Louisville which includes the appropriate permit from the City of Louisville Fire Department.
4. Commercial burning shall be permitted only at site listed on the permit issued by the Fire Chief of the Department, only one permit shall be issued per site.
5. The City of Louisville Fire Department **WILL BE** informed each day that burning will take place.
6. Only natural vegetation and class A combustible material is allowed to be burned.
7. Burning may be prohibited at any time when atmospheric conditions or local circumstances may make such burning hazardous to the community at large.
8. Only one permit per address, site, location, or development shall be allotted at any time.
9. All debris intended to be burned shall be cut, uprooted, and disassembled into manageable segments. All materials of natural vegetation shall be allowed to dry a minimum of 14 days before burning occurs.
10. Open burning of land-clearing debris must not use starter or auxiliary fuels which cause excessive smoke (rubber tires, plastics, etc.); must not cause a traffic hazard; must not take place where there is a HIGH FIRE DANGER declared by the Mississippi Forestry Commission or Emergency Air Pollution Episode Alert imposed by the Executive Director.
11. A fan forced system may be utilized to improve the combustion rate on all fires. The size of debris piles will dictate the number of fans needed.
12. Starter fuels may consist of petroleum diverted fuels (as per Mississippi Department of Environmental Quality Guidelines)
13. Commercial burning must take place on development of sites 50 acres or larger.
14. Burning shall not take place within 500 feet of any structure not owned by the individual or organization claiming responsibility for the burning.
15. The individual or organization claiming responsibility for any burning assumes all responsibility for any property owned by said individual or organization.
16. All fires must be constantly monitored by a competent and reasonable adult.
17. The responsible party must have the capability to operate any onsite equipment in order to control or extinguish the fire completely.



18. The responsible party must have heavy equipment (i.e. bulldozer, track hoe etc.) capable of controlling or extinguishing the fire.
19. All heavy equipment must be maintained in working order during the time burning is present.
20. The responsible party charged with monitoring the fire must have phone communications on site at all times for contacting Emergency Communications Center / 911.
21. Burning shall not occur within 1500 feet of the City of Louisville Airport, any private airfields, or marked off-runway aircraft approach corridors, unless written approval is secured from the proper airport authority, owner/operator.
22. No debris shall be ignited on Friday, Saturday or Sunday. Additionally no debris fires shall be ignited or burning continued on scheduled holidays of the City of Louisville, Mississippi.
23. When weather conditions change to create unfavorable burning conditions, burning shall be halted and all burning extinguished.
24. The City of Louisville Fire Department reserves the right to revoke burn privileges immediately, if the responsible party fails to follow ANY of these guidelines.

#### Applicability

#### Penalties for offenses

1. Burning without a permit: \$1,000.00 plus all cost incurred by the City of Louisville.
  - a. Example: (a) court cost (b) city manpower wages (c) water fee (d) apparatus fee
  - b. Each day will be considered a new violation
2. Burning past expiration date noted by City of Louisville Fire Department: \$500.00 per day. Rubbish cannot show any signs of smoke or open flames.
3. After the second violation the contractor, individual or organization responsible is prohibited from burning within the fire jurisdiction of the City of Louisville for one calendar year of second violation.

**City of Louisville**  
**Controlled Burning Violations**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

On this Day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_  
at the afore stated address, the occupant of the property did so willingly and without regard  
for public safety allow for:

1. **Burning without a permit: \$1,000.00 plus all cost incurred by the City of Louisville.**
  - a. **Example: (a) court cost (b) city manpower wages (c) water fee (d) apparatus fee**
  - b. **Each day will be considered a new violation**
2. **Burning past expiration date noted by City of Louisville Fire Department: \$500.00 per day . Rubbish cannot show any signs of smoke or open flames.**
3. **After the second violation the contractor, individual or organization responsible is prohibited from burning within the fire jurisdiction of the City of Louisville for one calendar year of second violation.**

This is the 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup> offense for this occupant under the City of Louisville  
Ordinance 356.

This is the \_\_\_\_\_ Offense for this occupant and is recommended to be  
fined the maximum amount of \$1,000.00 which is allowed by Law.

Occupant/Representative: \_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Fire Department Official: \_\_\_\_\_  
Signature

FDID: \_\_\_\_\_

## **ARTICLE II: Residential /Class 1 Materials Open Burning**

No person shall ignite, cause to be ignited, permit to be ignited or maintain any open fires except as permitted by sections of this Ordinance.

**A. Permits or certificates.** The City of Louisville Fire Department shall be designated as the office to issue Controlled Burning Permits. The Career Staff of the Fire Department are authorized to issue written permits for Residential Class 1 material (described as Natural Vegetation ONLY) as provided in such ordinance.

**B. Fires in public right-of-way.** Under no circumstances, whether or not a permit has been issued, shall a person ignite, cause to be ignited, and permit to be ignited or maintain any open fire within the limits of any public road or right-of-way.

**C. Fires burning out of control.** Whether or not a permit has been required or issued, no person shall ignite, cause to be ignited, permit to be ignited or maintain any open fire, nor shall any person authorize others to do so on land owned or controlled by him, in such a manner as to allow such fire to burn out of control so as to require response of fire apparatus and/or personnel.

**D. Evidence of violations.** A determination by the Fire Chief or representatives or the Mississippi Forestry Commission on the question of whether a fire has been allowed to burn out of control so as to cause response of fire apparatus and personnel shall be prima facie evidence on such question in any prosecution under the provisions of this article.

**E. Banning of fires during periods of extreme fire danger.** The City Fire Chief shall have power to ban all outside fires during periods of extreme fire danger in his discretion, and it shall be unlawful to ignite or maintain any fire during the period of any such ban. No such permits shall be issued and no person shall ignite, cause or permit to be ignited or maintain any open fire when it has been determined to be a period of extreme fire danger by the City Fire Chief, Mississippi Forestry Commission, or a State of Mississippi agency responsible for the welfare and safety of the public.

**F. Extinguishing of fires.** The Fire Chief or any officer of the Fire Department, the Director of Health, or his designee, or any sworn officer of the Police Department may require any person who ignites or maintains a fire in violation of the provisions herein to extinguish such fire forthwith. Failure to extinguish such fire shall be a violation of this ordinance.

**G. Open burning requirements.** Open burning shall be allowed only in accordance with the following conditions:

1. The responsible party must obtain a "Residential Class 1 Controlled Burn Permit" from the Fire Department as a means of informing the Department that the responsible party intends to by means of burning dispose of Natural



Vegetation **ONLY**. Reasonable safety precautions must be taken, including clearing of grass and trees in the burning area, providing a charged water hose or fire extinguisher, and providing adequate personnel to control the burn and having no other combustible material within 100 feet of the allowed burn.

2. No brush pile larger than six (6) feet in diameter and four (4) feet in height may be burned at any one time. The Natural Vegetation must originate from the property on which the burning will occur. "Natural Vegetation" is defined as shrubs, vegetation or prunings.
3. Open burning must be performed in accordance with the General Statutes of the State of Mississippi and the City of Louisville which includes the appropriate permit from the City of Louisville Fire Department.
4. Open burning shall be permitted only during the period of 7:00 AM and 7:00 PM, except for fire training exercises supervised by the City of Louisville Fire Department which may be performed at any time of year.
5. The open burning of Natural Vegetation on undeveloped residential properties or undeveloped open land shall require a Commercial Burn Permit regardless the size of the debris to be disposed of by burning.
6. Agricultural burning for vegetation management shall only be performed on those properties designated as "farmland" or Zoned Agriculture by the City of Louisville.

### **Applicability**

The provisions of this ordinance shall not apply to the following:

1. Barbecue Grills, Open Grills or Manufactured Metal Fire Pits or other outdoor fires solely for the cooking of food for human consumption and entertainment, provided that it is performed in or on a fireplace or an appliance manufactured for such a purpose.
2. Campfires, and other fires for ceremonial or recreational purposes, provided that (1) only non-processed wood, natural vegetation, is burned, (2) written permission is obtained from the property owner prior to ignition (3) a Class 1 Burn Permit is obtained from the Fire Department (4) only areas exempt from permit requirements are those public and private facilities for the purpose of overnight camping.
3. Fires used in conjunction with construction activities, such as fires in portable heating devices, fires that are essential to street installation or paving activities, the repairing of utilities or similar work. Warming fires utilized at stationary construction sites shall be conducted in a metal barrel or similar container.

**In accordance with the Mississippi Codes Amended 1972 § 17-17-9 Prohibits the Burning of Trash and Garbage**

Burning of Household and Manufactured Materials or Goods is prohibited and the property owner shall be held responsible for all fires as defined in the Mississippi Code 1972 Amended: "No garbage or rubbish containing garbage or other putrescible materials, or hazardous wastes shall be burned except in approved incinerators meeting the necessary temperature requirements and air pollution controls as now established or may later be established. The open burning of rubbish shall be permitted only under controlled circumstances where sanitary landfill and landfill is not feasible and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the controlling agency. "

**Penalties for offenses**

Any person who fails to comply with any provisions of this ordinance may be fined in an amount not to exceed \$1,000.00, payable to the City of Louisville, Mississippi.

**45-11-111. Penalties.**

Any person, firm or corporation who shall knowingly and willfully violate the terms or provisions of the Mississippi Fire Prevention Code shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed One Thousand Dollars (\$1,000.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

**Fines for burning Household and Manufactured Materials or Goods**

1<sup>st</sup> Offense     \$200.00

2<sup>nd</sup> Offense     \$400.00

3<sup>rd</sup> Offense     \$600.00

4<sup>th</sup> Offense     \$800.00

5<sup>th</sup> Offense or more \$1,000.00 per offense after five offenses

**City of Louisville**  
**Controlled Burning Violations**

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

On this Day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_  
at the afore stated address, the occupant of the property did so willingly and without regard  
for public safety allow for:

1. An unattended fire to grow and become uncontrolled, which has led to damage to property not owned by the occupant.
2. Willfully ignited and allowed to burn from that ignition Household and Manufactured Materials or Goods that are required to be disposed of at the local sanitary landfill facility as required by Mississippi Codes Amended 1972 § 17-17-9 that Prohibits the Burning of Trash and Garbage where a landfill facility is available.
3. Disposal of Commercial Debris by Burning without a Commercial Burn Permit issued by the Fire Chief of the City of Louisville or his/her designee.

This is the 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup> offense for this occupant under the City of Louisville

Ordinance \_\_\_\_\_

This is the \_\_\_\_\_ Offense for this occupant and is recommended to be  
fined the maximum amount of \$1,000.00 which is allowed by Law.

Occupant/Representative: \_\_\_\_\_  
Signature

Date: \_\_\_\_\_

Fire Department Official: \_\_\_\_\_  
Signature

FDID: \_\_\_\_\_



That for cause this ordinance shall be effective on and after this date.

So ordered this the 5<sup>th</sup> day of April, 2011.



Will Hill

Will Hill, Mayor

Approved and Attested:

Babs W. Fulton

Babs W. Fulton, City Clerk

#### CERTIFICATE

I, Babs W. Fulton, duly qualified and acting City Clerk of the City of Louisville, Mississippi, hereby certify that the above and foregoing Ordinance was duly adopted by the Mayor and Board of Alderman of the City of Louisville, Mississippi, in a regular meeting held on the 5th day of April, 2011.

Babs W. Fulton

Babs W. Fulton, City Clerk