

**ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
OLIVE BRANCH, MISSISSIPPI REGULATING OPEN BURNING**

An Ordinance to regulate open burning in the City of Olive Branch, Mississippi.

BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi:

WHEREAS, the City of Olive Branch has the authority to provide for the prevention and extinguishment of fires pursuant to Miss. Code Ann. Section 21-25-3, and

WHEREAS, the governing authority of the City of Olive Branch has the power to make all needful regulation necessary for the good order and peace of the municipality and to prevent injury to, destruction of, or interference with public or private property pursuant to Miss Code Ann. Section 21-19-5(1), and

WHEREAS, the Mayor and Board of Aldermen find as fact that unregulated open burning poses a risk to the good order and peace of the municipality, and that open burning regulations are in the best interest of the citizens of the City of Olive Branch.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Olive Branch, Mississippi as follows, to-wit:

Section 1. Open Burning- Definition:

Open burning consists of any fire whereby a person is disposing of leaves, wood, debris or other material, or burning a fire for recreational purposes outside of a fully enclosed grill or fireplace.

Section 2. Prohibition:

- a. Open burning is prohibited within the corporate limits of the City of Olive Branch, except as provided in Section 3.
- b. Where open burning is allowed pursuant to Section 3, the burning of tires, trash, rubber, electrical wires, any other non-organic matter, or any item that produces toxic smoke or excessive amounts of dense smoke, is prohibited.

Section 3. Residential open burning:

- a. Opening burning for recreational purposes is allowed only in a fire pit no larger than three feet (3') in diameter

and no more than two feet (2') in height. The fire pit must be constructed of stone or metal and be fully enclosed on the perimeter of the pit. The fire pit may not be located within fifteen feet (15') of any structure, building, house, shed garage, etc. Any fire maintained in accordance with this section must not be left unattended at any time, and must be fully extinguished with water before being left unattended. Leaving a residential/recreational fire pit unattended with an active fire is a violation of this Ordinance. For purposes of this Ordinance, a "chiminea" shall be considered a fire pit and burning in a chiminea is subject to the regulations set forth in this Section 3(a).

- b. The open burning of leaves is allowed only under the following circumstances:
 - i. Leaf burning is only allowed on residential single-family A-R zoned properties, or residential properties of one (1) acre or larger regardless of zoning.
 - ii. Prior to commencing any leaf burning, a no-charge permit must be obtained from the Olive Branch Fire Department. The purpose of the permit is for the City to verify the location and to ensure there is no burning taking place under "burn-ban" conditions.
 - iii. The Olive Branch Fire Chief, or his designee, may prohibit leaf burning when conditions are such that open burning would pose an undue risk of wildfire ("burn-ban conditions").

Section 4. Construction burning: Contractors, Developers, Builders, or land-owners desiring to burn construction debris, logging refuse, land-clearing material, etc. shall comply with the following provisions:

- a. The burn site must be a safe and reasonable distance, as determined by the Fire Chief or his/her designee, from any structures, homes, subdivisions, or major roadways, etc.
- b. The burn site must not have any overhead obstruction such as power lines, trees, etc.
- c. The burn site must be inspected by a City Fire Inspector for pre-approval, in advance of any burning.

- d. A below-grade burn pit, sufficient in depth to contain all burning debris, must be constructed at the burn site.
- e. An industrial fan shall be used at all times to make the fire burn cleaner and hotter. The size and configuration of the fan/blower must be approved by the Fire Department.
- f. Once the burn is complete all remaining debris and ash must be removed and appropriately disposed of, and the burn pit refilled with acceptable, compactable dirt.
- g. A Two Hundred Fifty and 00/100 Dollars (\$250.00) burn permit fee must be paid at the Olive Branch Fire Department Administration Building, located at 9245 Pigeon Roost Road, before the application will be reviewed and prior to any burning activity commencing.
- h. Once issued, a burn permit must be kept on the burn site at all times.
- i. The permittee must remain on-site monitoring the burn at all times.
- j. Prior to burning each day during a permit period, the Permittee must call the Fire Inspector's office for approval, contingent upon an evaluation of weather conditions. No burning will be allowed on days where the sustained wind speed is anticipated to exceed ten (10) miles per hour.
- k. Excessive smoke or ash from permitted burns may result in the termination of the burn permit. Failure to extinguish the fire after termination of the permit is a violation of this Ordinance.
- l. Burning without a permit is a violation of this Ordinance punishable pursuant to Section 5.

Section 5. Penalty:

- a. A violation of any provision of this Ordinance is a misdemeanor, punishable in municipal court by a fine not to exceed One Thousand and 00/100 Dollars (\$1,000.00) or by imprisonment for up to ninety (90) days, or both. Each day a violation exists shall be considered a separate offense.
- b. This Ordinance is to be enforced by the Mayor, through the Olive Branch Fire Department, or other designee.

- c. The City reserves the right to enforce this Ordinance through any and all available means, including a request for injunctive relief in a court of competent jurisdiction.

This Ordinance shall be enforced from and after January 1, 2018.

ADOPTED, ORDAINED AND APPROVED this 21st day of November, 2017.

SCOTT B. PHILLIPS, MAYOR

ATTEST:

TINA R. GRIFFITH, CITY CLERK

The foregoing Ordinance was discussed and voted upon in a public meeting, with no member requesting a reading thereof, and whereas a motion was duly made by Alderwoman Hamilton, and seconded by Alderwoman Henderson, with the following results:

Alderman	Mark Aldridge	AYE
Alderman	George Collins	AYE
Alderman	Dale Dickerson	AYE
Alderman	Gil Earhart	AYE
Alderwoman	Pat Hamilton	AYE
Alderwoman	Joy Henderson	AYE
Alderman	David Wallace	AYE

The foregoing Ordinance was passed, adopted and approved on the 21st day of November, 2017.

SCOTT B. PHILLIPS, MAYOR

ATTEST:

TINA R. GRIFFITH, CITY CLERK