

ORDINANCE NO. 1618

ORDINANCE OF THE MAYOR AND BOARD OF ALDERMEN
OF THE CITY OF AMORY ADOPTING REASONABLE
REGULATIONS FOR OPEN BURNING WITHIN THE CITY
OF AMORY, ESTABLISHING A PERMIT SYSTEM, AND PROVIDING FOR
PENALTIES FOR THE VIOLATIONS

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF
AMORY:

WHEREAS, the Mayor and Board of Aldermen of the City of Amory have determined that is it necessary to address open burning within the City of Amory; and

WHEREAS, open burning affects the health, safety and welfare of the City of Amory and its citizens; and

WHEREAS, the City is empowered to regulate open burning by the adoption of reasonable regulations for the health, safety and welfare of the City of Amory and its citizens; and

WHEREAS, open burning is a dangerous and potentially hazardous activity and the Mayor and Board of Aldermen through its police power find that it is necessary to regulate open burning by the adoption of reasonable regulations which are to be enforced; and

WHEREAS, the reasonable regulations are to be enforced in addition to any regulations which are currently in place or have been adopted regarding fires and/or burning within the City of Amory.

SECTION I. ADOPTION OF REGULATIONS.

The Mayor and Board of Aldermen hereby adopt the following regulations to be enforced within the City of Amory whenever any individual or entity performs open burning upon residential, commercial, agricultural, institutional, or industrial property:

Open Burning. The open burning of residential, commercial, agricultural, institutional, or industrial waste or debris, is prohibited, unless a permit is obtained and the burning is performed in accordance with all regulations set forth in this ordinance.

(A) Fires set for the burning of waste or debris must meet the following conditions:

(1) A permit must be obtained from the Planning Department of the City of Amory in the manner set forth in Section II below.

(2) The open burning must occur within a the period allowing adequate diffusion of air pollutants as defined by the permit and the daily weather guides issued by the National Weather Forecast Office.

(3) Starter or auxiliary fuels may consist of dried vegetation, petroleum derived fuels of the gasoline, kerosene, or light fuel oil types (diesel), or a combination thereof. Use of or burning of other combustible material that causes excessive visible emission (e.g., rubber tires, plastic materials, etc.) is prohibited.

(B) 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 Alert declared by the Mississippi Forestry Commission or Emergency Air Pollution Episode Alert imposed by the Executive Director.

(C) Open burning must be performed within the following buffer zones.

(1) Open burning without forced-draft air system must not occur within 500 yds. of an occupied dwelling.

(2) Open burning utilizing a forced-draft air system on all fires to improve combustion rate and reduce smoke may be done within 500 yds. of but not within 50 yds. of an occupied dwelling.

(3) Burning must not occur within 500 yds. of any school, hospital or nursing home.

(D) Additional restrictions

(1) Burning shall take place during daylight hours only.

(2) Piles of waste or debris shall be no taller than 15 ft. and must be 20 ft. in circumference or less.

(3) Adequate equipment such as extinguishers or water hoses must be present at the location of the open burning to extinguish fire if necessary.

SECTION II. PERMIT SYSTEM

For each instance of open burning a permit must be obtained. A permit application must be submitted to the Planning Department of the City of Amory on forms to be provided by the City of Amory. Each application must contain the date, time, and place of the proposed open burning.

Also, the application must contain the type and amount of waste or debris proposed to be burned. Each permit must also be approved by the Fire Chief of the City of Amory or his designee. The Fire Chief may set forth any additional requirements or restrictions deemed necessary to adequately provide for the safety of citizens or for the safety of surrounding property. For each permit application the following fees shall be submitted along with the application:

For Residential open burning a fee of \$10.00

For Commercial, Industrial, Agricultural, or Institutional open burning, a fee of \$40.00

SECTION III. PENALTIES FOR VIOLATION

The failure or refusal of any person, firm, corporation, or entity to comply with any of the provisions of this ordinance, and the violation of any provision of this ordinance by any such person shall constitute a misdemeanor. Any person guilty of violation of any provision of this ordinance shall, upon conviction thereof, be subject to a fine of up to \$1,000 or imprisonment for ninety days or both as allowable by §21-31-1 M.C.A.

SECTION IV. EXEMPTIONS

The following types of open burning are exempt from the provisions of this ordinance:

1. Open Burning by municipal authorities for a proper municipal purpose.
2. Open burning by municipal, state or federal authorities or agencies in conjunction with emergency or disaster clean-up efforts.
3. Fires for ceremonial events specifically approved by the Fire Chief of the City of Amory, or his designee.

SECTION V. REPEAL

Certain portions of prior ordinances in conflict with the above provisions are hereby repealed. This ordinance has been considered section by section, provision by provision, and as a whole, and if any section or provision hereof should be unconstitutional or invalid for any

reason, the remaining provisions and sections hereof shall be valid, it being hereby declared that all constitutional and valid provisions hereof would have been enacted after the exclusion of any section or provision which might be found to be unconstitutional or invalid.

This ordinance shall take effect and be in force as provided by law.

The above and foregoing ordinance being first reduced to writing, was read, considered and adopted, first section by section, and then as a whole.

THEREUPON, upon motion duly made by Alderman Dan Rogers, seconded by Alderman John E. Darden, to adopt the foregoing ordinance, and the ordinance was adopted by unanimous vote.

This the 1st day of November 2005.

s/Howard Boozer
HOWARD BOOZER, MAYOR

ATTEST:

s/Suzanne C. Mobley
SUZANNE C. MOBLEY, CITY CLERK