

Ordinance No. 2019-____

CHAPTER 38 FIRE PROTECTION AND PREVENTION

AN ORDINANCE AMENDING CHAPTER 38, ARTICLE I, SECTION 3 OPEN BURN PERMITS,
PENALTIES; AND CREATING CHAPTER 38, SECTIONS 4, 5, AND 6, OPEN BURN, DEFINITIONS;
OPEN BURN PROHIBITION; AND OPEN BURN EXEMPTIONS
IN THE CODE OF ORDINANCES OF CITY OF OXFORD, MISSISSIPPI

WHEREAS, continued commercial, industrial and residential development of property is desirable and beneficial to the City of Oxford; and,

WHEREAS, Open burning of residential, commercial institutional, or industrial solid waste, is prohibited in the State of Mississippi per Mississippi Air Emission Regulations (APC-S-1); and,

WHEREAS, this prohibition does not apply to infrequent burning of agricultural wastes in the field, land-clearing debris or debris from emergency clean-up operations; and,

WHEREAS, exceptions can be granted under specific conditions which do not interfere with the maintenance of acceptable air quality or create a public nuisance; and,

WHEREAS, City of Oxford City Guidelines for Open Burning shall work in conjunction with the Mississippi Department of Environmental Quality (MDEQ) Air Pollution Control Section standards for issuing burn permits; and,

WHEREAS, controlled burning of waste trees and brush will be issued as burning this material is environmentally and economically preferred over disposal by landfilling; and,

WHEREAS, the Fire Department is tasked with preventing the spread of fire and potential fire hazards to nearby citizens; and,

WHEREAS, MDEQ Air Division is responsible for ensuring that air quality within Mississippi is protective of public health and welfare; and,

WHEREAS, MDEQ Air Division is responsible for ensuring that air quality within Mississippi is protective of public health and welfare, controlling, preventing, and abating air pollution to achieve compliance with air emission regulations pursuant to the Mississippi Air and Water Pollution Control Act, as well as applicable regulations promulgated by the U.S. Environmental Protection Agency (EPA), and the Federal Clean Air Act; and,

WHEREAS, in order to address fire hazards and air quality, the following requirements shall apply to ALL temporary permits for controlled burns;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Aldermen of the City of Oxford, Mississippi:

SECTION I. That Article 1, Section 38-3 of the Code of Ordinances, Oxford, Mississippi, is hereby amended to read as follows:

Sec. 38-3-Open Burn; 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.

Sec. 38-4-Open Burn Prohibition

- (a.) Open burning is prohibited within the corporate limits of the City of Oxford, except as provided in Sections 38-5 and 38-6
- (b.) Where open burning is allowed by exemption pursuant to Section 38-5, the burning of tires, trash, rubber, and electrical wires or any other non-organic matter, or any item that produces toxic smoke or excessive amount of dense smoke is prohibited.

Sec. 38-5-Open Burn Exemptions

The following exemptions to the open burn prohibition must be permitted by the Oxford Fire Department during normal business hours (8 am to 5 pm) Monday through Friday pursuant to Sec 38-6(a):

- (a.) Fires set for the training and instruction of firefighting personnel
- (b.) Fires set by or at the direction of the Mississippi Forestry Commission for the prevention, elimination or reduction of a fire hazard
- (c.) Prescribed burnings useful for maintenance and protection of commercial timber stands, land clearing for agricultural, horticultural, and silvicultural purposes, or the reduction of vegetative fuels for wildfire prevention on properties used primarily for agricultural purposes where the property in question is in excess of 10 acres, when recommended by state forestry commission or when done to continue the agricultural mission of the property where the burn is occurring, provided that fires are conducted only in situations where the actual burning is at least 1,000 feet from the closest occupied building.
- (d.) Burn pits pursuant to Sec 38-6b

The following exemptions to the open burn prohibition do not have to be permitted, but are only allowed in emergency situations as determined by the City of Oxford Fire Chief:

- (e.) Emergency burning or use of any other appropriate technique, by government agencies to control or suppress on-going fires.
- (f.) Burning on an emergency basis of explosive or other dangerous or contraband material by police or other public safety organization.

Sec. 38-6. - Open burn permits; penalties.

- (a.) *Permits.* To burn inside the city limits of Oxford, contact the Oxford Fire Department at (662) 232-2411. The City of Oxford requires 48-hour advance notice to schedule a permit inspection. No burning of any type shall take place during burn bans imposed by the Mississippi Department of Forestry or during burn bans imposed by Lafayette County.

(b) Permit Fees

1. *Due to the potentially sensitive locations, the multiple trips to the site required to inspect, and the manpower needed to inspect exempted burns, the permit fee for burn pit exemptions as defined in 38-5(d) is \$200.00.*
2. *Open burns required for emergency situations or fire training and instruction, as defined in 38-5(a), 38-5(e), and 38-5(f) shall not be required to obtain a permit. Burn permits for prescribed burnings as defined in 38-5(c) shall not require a fee.*
3. *Any necessary burning permits required by Federal, State, or Local agencies must be obtained prior to applying for permit and included with application to the Oxford Fire Department*

After obtaining the appropriate city permit, an inspection will then be scheduled to ensure opening burning permit requirements are met.

The permit is valid for ten days following the inspection. If weather conditions prohibit burning for a significant period during those ten days, a short extension may be granted, if requested in writing, before the expiration of the permit.

Only trees and brush from the burn site may be burned. Material may not be hauled in from other sites. Other materials including buildings, construction debris, furniture, plastic, synthetics, tires, and roofing material shall not be burned.

Open burning of land-clearing debris shall not use starter or auxiliary fuels which cause excessive smoke (rubber tires, plastics, etc.). Diesel fuel is acceptable as an ignition fuel.

- (b.) *Burn pit specifications.* In the City of Oxford, an air curtain destructor (blower) shall be required to increase burning efficiency and reduce smoke and fly ash emissions. The air curtain's nozzles will be slanted so they impact about three feet below the surface on the side opposite the blower. The air curtain shall not blow directly down into the fire. In a properly operating pit, the air current will roll under and oxygenate the fire for more complete combustion. A burn pit shall be constructed for all open burning per the following specifications: The pit walls must be vertical (not sloped or slanted). The pit must be no more than 12 feet wide for the air stream to reach the far side. A pit width of less than 12 feet can be used for smaller air blowers, but only with an inspection and approval by the Oxford Fire Department.

The pit length is determined by the length of the air curtain plenum (blower manifold). The plenum shall be centered on the pit and the pit length will only extend up to a maximum of five feet beyond each end of the plenum.

The pit must be at least ten feet deep. Pit depth will be determined by available digging equipment and the water table. A pit cannot be permitted where groundwater is encountered during the construction. Deeper pits usually burn better.

Sufficient water supply and hose must be readily available and easily accessible to the area and location of the burn. The hose and appropriate nozzle shall be attached to the water

supply source. Personnel must be at the site to monitor the pit when burning is taking place.

All Mississippi Department of Environmental Quality (MDEQ) Air Pollution Control Section, Environmental Protection Agency (EPA) and other applicable government guidelines shall be followed at all times during the burning process.

- (c.) *Procedure for the scheduled inspection day.* Prior to the scheduled inspection, a burn pit will be constructed according to the above permit requirements. The pit must be partially filled with trees and brush. The pit must not be overfilled as an overfilled pit will result in material being stacked above the sheet of air and/or blockage of the air flow which will cause excessive smoke emissions.
- (d.) After the fire department inspector approves the pit's dimensions and position, diesel fuel may be used to ignite the contents. The equipment's ability to control smoke will be observed before the permit is issued.
- (e.) *Procedure for burn days.* During the permit period, the City of Oxford Fire Department must be notified each day before burning begins and again when burning ends for the day. The fire department telephone number is written at the bottom of the permit.

Burning should take place during daylight hours for fire safety and to protect workers charging the burn pit. A designated person must be at the site to monitor the pit when burning is taking place. Operation of the blower will continue until the fire has burned down completely and a fence or barrier will be placed completely around the pit or the pit itself completely filled and covered with dirt prior to leaving the site unless otherwise approved by the City of Oxford Fire Department. A metal fence is required for the prevention of mishaps such as falling into unfilled pits. A wooden fence is unacceptable.

- (f.) *Problems encountered with burn pits.* A permit is issued for a particular pit. If a pit is moved, another inspection, permit, and fee are required for the new pit, even if both pits are on the same construction site.

A pit too long for the air curtain or wider than the permit specifications shall be filled and replaced with another pit.

Burning must take place below the air curtain. Overfilled pits tend to smoke and release fly ash which are the most common citizen complaints.

Additional restrictions, such as limited burning hours and days or the presence of a water truck on-site may be imposed based on the site's location and distance to the nearest water hydrant. Wind speed and direction limitations may also be imposed, either at the time the permit is issued or as a result of citizen complaints. Weather conditions are available from the National Weather Service at (901) 544-0399.

- (g.) *Enforcement of violations.* Occasionally, a permit cannot be issued because of the small size of the site or the site's proximity to occupied residences, schools, nursing homes, hospitals, airports, or major roadways. The presence of overhanging trees or other

flammable material may also prevent the issuance of a permit. No standing timber or overhead electrical lines are permitted within 100 feet of the burn pit.

Locations for pits shall be at least:

- One hundred fifty feet away from the nearest structure on the property being cleared.
- Five hundred feet away from any primary or secondary highway.
- One thousand feet from any school or residence not on the same property as the pit.
- One-half mile or 2,640 feet from any airport, nursing home or hospital. Burn sites shall not be adjacent or near proximity to fuel storage tanks, storage facilities containing flammable or explosive materials.
- The proposed site must be free of thick or large areas of weeds, grass or other vegetation that might ignite and endanger lives of persons, animals or structures.

Anyone burning prohibited materials, burning without a permit or burning in a manner deemed non-compliant with the terms and conditions of a permit and this section shall be subject to any remedies, at law or in equity, available to the City of Oxford and any person aggrieved thereby, and may be subject to any of the following administrative actions: (1) cease and desist order, (2) permit revocation, and/or (3) a stop work order on all activities of the permit holder if there is an imminent threat to public safety. Permits may also occasionally be revoked because of substantiated complaints regarding excessive smoke or fly ash due to improper burn pit operation. As a result, burning is to be conducted when ambient conditions ensure maximum dispersion of smoke to minimize complaints.

Violation of the provisions of this chapter or failure to comply with any of its requirements, including violation of conditions and safeguards established in connection with applicable permits, shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$500.00 or imprisoned for not more than 30 days, or both, and in addition, shall pay all costs and expenses involved in the case. Each act of violation and each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent the administrator of this section from taking such other lawful actions as are necessary to prevent or remedy any violation, including application of the administrative remedies stated herein.

The MDEQ is also authorized to fine violators of permit conditions up to a maximum of \$25,000.00 per violation.

Burning shall not be conducted during any declared burn ban or air pollution episode in the area of the burn.

The following information must be provided when a controlled burn permit is issued:

- Address of company or individual.
- After-hours contact number for emergency use.
- Location of burn site.
- Name of company or individual conducting the burn.
- Telephone number of operators.

Questions regarding opening burning should be directed to the Mississippi Department of Environmental Quality, North MS Field Services, 8 County Road 413, Oxford, MS 38655, phone (662) 234-3733 or to the Oxford Fire Department, 399 McElroy Drive, Oxford, MS 38655, phone (662) 232-2411.

SECTION II. REPEALING CLAUSE

All ordinances or parts of ordinances in conflict herein shall be, and the same are hereby repealed.

SECTION III. EFFECTIVE DATE

All ordinances shall take effect and be in force as provided by law.

The above ordinance having being first reduced to writing and read and considered section by section at a public meeting or the governing authorities of the City of Oxford Mississippi on motion of Alderman _____, seconded by Alderman _____, and the roll being called, the same by the following votes:

Alderman Addy	Voted	_____
Alderman Huese	Voted	_____
Alderman Antonow	Voted	_____
Alderman Howell	Voted	_____
Alderman Taylor	Voted	_____
Alderman Bailey	Voted	_____
Alderman Morgan	Voted	_____

APPROVED, this day the _____ of _____, 2019.

ROBYN TANNEHILL, MAYOR

ASHLEY ATKINSON, CITY CLERK