

# Ordinance 709

## **I. Short Title**

This ordinance shall be known as the Pass Christian Burning Ordinance

## **II. Intent**

Uncontrolled or improper burning of materials can pose significant fire hazards, release harmful pollutants into the air, and create nuisances affecting neighboring properties and communities.

Pursuant to MCA Sections 21-19-1 and 21-19-15, as amended, the City of Pass Christian Mayor and Board of Aldermen are empowered to adopt, and enforce ordinances to regulate fire and burning activities and for the preservation of the general health, good order and peace of the City and to prevent injury to, destruction of, or interference with public or private property of the City of Pass Christian; the protection of the health, safety and welfare of the citizens of the City of Pass Christian requires that the City enact provisions to regulate burning activities for these purposes and will improve the quality of life of the citizens of the City of Pass Christian and improve and protect the public health and safety; and additional enforcement measures are needed to enforce the City's ordinances and to abate nuisances and threats to the public health, safety and welfare.

## **III. Applicability**

This ordinance applies to all areas within the jurisdiction of the City of Pass Christian, Mississippi.

## **IV. Open Burning Prohibited**

1. Open burning of residential, commercial, institutional, or industrial solid waste is unlawful within the city limits, except for the infrequent on-site burning of dry natural vegetation, lawn and tree trimmings, and other organic waste as provided in Section V.
2. Burning materials such as garbage, tires, plastics, shingles, engineered wood products, treated lumber, waste fuels, oils, hazardous materials, or similar combustible waste is strictly prohibited.
3. Open burning for the purpose of residential or commercial land clearing activities without an open-burning permit issued in accordance with Section VI is prohibited.

## **V. Open Burning Regulations**

Open burning activities conducted in accordance with the requirements of this section are permitted. However, the City Fire Chief or their designee may prohibit all fires on certain days and times if, in their opinion, atmospheric conditions may cause fires to be extremely hazardous or a nuisance. The Mississippi Department of Environmental Quality ("MDEQ") also administers

the State Air Emission Regulations for the Prevention, Abatement, and Control of Air Contaminants [i.e., 11 Miss. Admin. Code Pt. 2 Ch. 1, R. 1.3.(G)] that governs open burning, which include additional criteria and setback distances. Open burning activities determined to be in violation of the noted State regulations may also constitute a violation of this ordinance. In addition, the open burning prohibitions of this ordinance do not apply to the burning of debris from emergency clean-up operations as authorized by MDEQ or the authorized destruction of armament or other ordinance.

1. Open burning shall be halted if a permittee or attendee is advised that nuisance conditions or public health concerns as verified by the Fire Department have developed that prompted public complaints.
2. Open burning activity may be stopped by the authority having jurisdiction, or the open burning activity permit may be revoked or suspended, if nuisance conditions or complaints arise, or if any permit conditions are not met.
3. Generally, this ordinance prohibits open burning of permitted solid waste. Exceptions exist for the infrequent on-site burning of dry natural vegetation, lawn and tree trimmings, and other organic waste, provided the following conditions are met:
  - (a) Burning occurs on the site where the waste to be burned originated.
  - (b) Burning is only permissible Mondays through Sunday, from 8:00 AM to 5:00 PM. The fire must be completely extinguished (i.e., no smoke or smoldering) within one (1) hour of the designated stop time.
  - (c) Burning is limited to two (2) piles, each no larger than four (4) feet wide by four (4) feet long by four (4) feet high.
  - (d) Burn piles must be maintained at least 100 feet from any structure or adjacent property not owned by the burner.
  - (e) A competent adult must constantly attend the fire.
  - (f) A water hose, with a working water supply, or other means of extinguishing the fire approved by the Fire Department must be available at the open burn location.
  - (g) Burning must not occur within 1,500 feet of a school, licensed daycare, or licensed healthcare facility (e.g. nursing homes, hospitals, long-term care facilities, etc.).
  - (h) Burning must be conducted in a way that prevents the creation of a nuisance condition.
  - (i) Only vegetation, petroleum-derived fuels, or other combustible materials that do not cause excessive smoke may be used as starter or auxiliary fuels. Tires, plastics, shingles, engineered wood products, or similar materials are prohibited as starter fuels.
  - (j) Burning must not create a smoke hazard that compromises safety or traffic.
  - (k) No "High Fire Danger Alert" has been declared for the area by the Mississippi Forestry Commission or local fire officials.

- (l) MDEQ has not imposed an "Emergency Air Pollution Episode Alert" for the area.
- 4. The use of fire pits, chimeneas, burn barrels, and other similar devices is permitted under the following conditions:
  - (a) The device must be used in a manner consistent with the manufacturer's instructions and any relevant local regulations.
  - (b) Only clean, dry, untreated wood or charcoal may be used as fuel. Burning materials such as tires, plastics, shingles, engineered wood products, treated lumber, waste fuels, oils, hazardous materials, or similar combustibles is strictly prohibited
  - (c) The device must be located at least 25 feet from any structure or property line.
  - (d) A competent adult must be present to supervise the fire at all times.
  - (e) A means of extinguishing the fire, such as a water hose or fire extinguisher, must be readily available.
  - (f) The fire must be extinguished if it produces excessive smoke or creates a nuisance for neighbors. Burning must not create a smoke hazard that compromises safety or traffic.
  - (g) No "High Fire Danger Alert" has been declared for the area by the Mississippi Forestry Commission or local fire officials.
  - (h) MDEQ has not imposed an "Emergency Air Pollution Episode Alert" for the area.

#### **VI. Burn Permit Necessary**

- 1. A written permit issued by the City of Pass Christian Fire Department is required for any open burning of dry natural vegetation, lawn and tree trimmings, and other organic waste exceeding the parameters set forth in Section V of this ordinance or for the open burning of land clearing debris. Permit approval will be issued at the discretion of an approved representative from the Pass Christian Fire Department.
- 2. Permit applications can be obtained from the **Pass Christian Fire Department**. Permit requests must be submitted at least three (3) business days before the date of the intended open burning activity.
- 3. Permit fees shall be \$100.00 and due at the time of issuance.
- 4. The permitting official will consider the following factors when reviewing a burn permit application:
  - (a) Current and forecasted weather conditions
  - (b) Air quality
  - (c) Location of the burning activity
  - (d) Type and amount of material to be burned

5. An approved representative from the Pass Christian Fire Department may deny an open-burning permit application if it determines that the burning activity may pose a risk to public safety, health, or welfare.
6. No more than three (3) open-burning permits shall be issued and valid for the same time within a one-mile radius of each other.
7. The duration of any open-burning permit shall not exceed 48 hours after issuance. The open-burning permit shall only be issued and remain valid for the 48-hour period if the following conditions are met:
  - (a) The open burning activity occurs on the residential property where the leaves, fallen trees, light ground cover, and/or other yard wastes originated.
  - (b) The open burning does not occur within:
    - (i) 150 feet of an occupied dwelling if a forced-draft air system **is** used.
    - (ii) 1,500 feet of an occupied dwelling if a forced-draft air system **is not** used.
    - (iii) 1,500 feet of a school or licensed daycare.
    - (iv) 1,500 feet of a licensed healthcare facility (e.g., nursing homes, hospitals, long-term care facilities, etc.).
  - (c) The fire is constantly attended by a competent person until the fire is extinguished.
  - (d) The attendee maintains appropriate control of the open burn activity and adjusts the burn activity as needed to correct any nuisance or public health conditions that may occur.
  - (e) The open burning is conducted where a suitable water source or other appropriate fire extinguishment provisions are available to the attending person.
  - (f) Starter or auxiliary fuels used in conducting the burning are comprised only of vegetation, petroleum-derived fuels, or other combustible materials that do not cause excessive smoke. The use of tires, plastics, shingles, engineered wood products, other synthetics, and other similar materials as starter fuel is prohibited.
8. Burning operations will be halted if the permittee or attendee is advised that:
  - (a) Credible nuisance conditions or public health concerns verified by the Fire Department have developed prompting public complaints.
  - (b) An "Air Quality Action Day" has been declared by the MDEQ Executive Director.
  - (c) A "High Fire Danger Alert" has been declared by local fire officials or the Mississippi Forestry Commission.

9. The open-burning permit may be revoked or suspended, or the open burning activity stopped by the authority having jurisdiction, if the permit conditions are not met or if nuisance conditions or complaints arise.

## **VII. Enforcement**

### **1. Enforcement Procedures**

- (a) Pass Christian Fire Department company officers, City code enforcement officers, or law enforcement officers may initiate prosecution for violations of this ordinance.
- (b) Any Pass Christian citizen can file a sworn affidavit in the City Court against a party violating the ordinance.

### **2. Penalties**

- (a) A first offense for violating any provision of this ordinance may result in a written citation with a permanent record held at the City Court and a minimum fine of \$250.00.
- (b) Subsequent offenses may incur increased fines, community service, and/or jail sentences not to exceed ninety days as determined by the court, with a maximum fine of \$1,000.00 for repeated violations. Each day a violation shall occur shall constitute a separate offense.

## **VIII. Exemptions**

The use of enclosed charcoal, pellet, and other open-flame cooking devices for residential purposes shall not be subject to the prohibitions or limitations set forth in this ordinance.

## **IX. Severability**

Should any section, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance be declared unconstitutional or otherwise invalid for any reason, or should any portion of this Ordinance be pre-empted by state or federal law or regulation, such decision or pre-emption shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

## **X. Effective Date**

This ordinance shall be in full force and effect thirty (30) days after the date of passage. A summary of this Ordinance shall be published according to law and the entire Ordinance shall be spread on the minutes of the City of Pass Christian Mayor and Board of Aldermen.

SO ORDAINED this the 21 day of May, 2025

ATTEST:

Maun R Governor

City Clerk



R. J. Rafferty  
Mayor Renaud "Jimmy" Rafferty