

AN ORDINANCE ESTABLISHING REGULATIONS CONCERNING OPEN BURNING WITHIN THE CITY OF DIAMONDHEAD, MISSISSIPPI.

WHEREAS, the Mayor and City Council of the City of Diamondhead, Mississippi, find that a need exists to create and maintain a safe, secure and stress-free environment for the citizens of Diamondhead;

WHEREAS, Diamondhead is a heavily wooded city with numerous lots in natural state where fire hazards exist;

WHEREAS, the community of Diamondhead has a long standing prohibition against open burning in Diamondhead as established and enforced by the Property Owners' Association and Fire District prior to the City of Diamondhead being incorporated;

WHEREAS, the Mayor and City Council of Diamondhead, Mississippi, desire to protect, promote, and enhance the welfare, safety, health, and property of the general public by restricting open burning within city limits.

AND WHEREAS, that authority granted by statute to the Mayor and City Council is for the purpose to secure the general health and welfare of the community,

BE IT, THEREFORE, ORDAINED BY THE MAYOR AND CITY COUNCIL as follows:

Section 1. DEFINITIONS

Outdoor Fireplace: A noncombustible container, covered with a wire screen of ½ inch or smaller mesh, or other suitable noncombustible cover so as to prevent pieces or particles from blowing away.

Fire Pit: A hole, indentation, or recess into the surrounding ground, not to exceed 72" in diameter, which uses a non-combustible material to border such hole, indentation, or recess as to prevent nearby objects from catching fire.

Burn Barrel: An empty drum used to create heat on construction sites through the burning of scrap wood. No pressure treated wood may be burned. The barrel must be a safe distance outside the structure being built and must be thoroughly extinguished when the work site is vacated.

Section 2. CONTAINMENT

It shall be unlawful for any person to start or maintain any fire outside of one explicitly allowed by the following regulations.

A. All fires shall be contained in an outdoor fireplace, fire pit or burn barrel that meets the defined specifications.

B. Any person who operates or maintains a fire in an approved apparatus shall have a means to extinguish the fire within 25 feet of the location of the fire. Acceptable methods of extinguishment are:

(1). A functional U.L. approved fire extinguisher.

(2). A garden hose attached to an operating spigot or other such immediate source of water.

(3). A cover or lid that will extinguish the fire by removing the source of air.

C. No Outdoor fireplace, firepit or burn barrel shall be installed on any covered deck or balcony, or in any other combustible structure.

Section 3. FUEL.

Only clean, dry seasoned firewood shall be burned except in burn barrels. No person shall set, make, or attempt to set or make, any outdoor fire of garbage, rubbish, trash, green tree trimmings, grass, leaves, lawn refuse, petroleum products, plastics, rubber, shingles, painted or treated lumber, or any material or substance causing noxious or offensive odors, at any time of the day or night.

Section 4. SUPERVISION

A. Persons shall not leave any burning or smoldering fire unattended.

B. Fires will be completely extinguished when no longer supervised.

Section 5. EXEMPTIONS

A. Fires purposely set by the Diamondhead Fire Department or their official designee(s) for the instruction or training of firefighter personnel.

B. Fires deemed necessary or allowable by the Fire Chief of the Diamondhead Fire District or Diamondhead City Manager.

Section 6. PENALTY FOR VIOLATIONS.

Violation of this Ordinance shall result in a maximum fine of \$250.00, plus court costs. Written warnings may be appropriate for initial violations.

Section 7. EFFECTIVE DATE

In accordance with Mississippi Code of 1972, § 21-13-11, this ordinance becomes effective thirty days from date of passage with a single publication of the ordinance prior to the effective date.

	Aye	Nay
Mayor Ingraham	<u>✓</u>	<u> </u>
Councilmember Ackerman	<u>✓</u>	<u> </u>
Councilmember Holcomb	<u>✓</u>	<u> </u>
Councilmember Knobloch	<u>✓</u>	<u> </u>
Councilmember Rech	<u>✓</u>	<u> </u>
Councilmember Roberson	<u>✓</u>	<u> </u>

APPROVED: *Charles H. Ingram*
MAYOR

ATTEST *Sue W. Foster*
CITY CLERK

SEAL

THIS IS TO CERTIFY that the aforementioned Ordinance was adopted at the regular meeting of the Mayor and City Council of the City of Diamondhead, Mississippi, held on October 15, 2012, and duly recorded in Minute Book Page thereof.

Sue W. Foster
CITY CLERK