

STATE OF MISSISSIPPI

COUNTY OF MONTGOMERY

CITY OF WINONA

AN ORDINANCE OF THE CITY OF WINONA, MISSISSIPPI ADOPTING PROPER RULES AND REGULATIONS AS TO OPEN BURING OF DEBRIS IN THE CITY LIMITS OF THE CITY OF WINONA, MONTGOMERY COUNTY, MISSISSIPPI AND REPEALING ALL PRIOR ORINANCES RELATING THERETO.

WHEREAS, the Mayor and Board of Aldermen of the City of Winona, Montgomery County, Mississippi desire to effectuate an orderly and safe manner of the open burning of debris within the city limits of the City of Winona, Mississippi, and issues relative thereto; and

WHEREAS, the Board of Aldermen and Mayor of the City of Winona, Montgomery County, Mississippi, after due investigation desire to adopt rules and regulations in connection with the open burning of debris within the city limit as authorized by law so as to promote the public health and safety of the citizens of the City of Winona, Mississippi.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF ALDERMEN AND MAYOR OF THE CITY OF WINONA, MISSISSIPPI, AS FOLLOWS:

Section 1. That the matters and facts found and adjudged in the preamble to this Ordinance be, and the same are hereby adopted herein and any prior Ordinances relating to burning of yard waste within the City of Winona are hereby repealed.

Section 2. That any person, firm, corporation, or other entity desiring to engage in open burning, defined in the general sense of meaning to set fire to material to dispose of same, within the city limits of the City of Winona, Mississippi, shall not open burn any debris except as follows, to wit:

- 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, silvicultural, commercial or residential development 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 ten 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.

Section 3. The following exemptions to the open burn prohibition *do not* have to be permitted:

- a. Emergency burning or use of any other appropriate technique, by government agencies to control or suppress on-going fires as determined by the City of Winona Fire Chief.
- b. Burning on an emergency basis of explosive or other dangerous or contraband material by police or other public safety organization as determined by the City of Winona Fire Chief.
- c. Fires set by property owners with clean wood for the purposes of heating a home or providing heat in an outdoor area.

Where open burning is allowed by exemption pursuant to this Ordinance, the burning of leaves, shrubs, tires, trash, rubber, and electrical wires or any non-organic matter, or any item that produces toxic smoke or excessive amount of dense smoke, is prohibited.

Section 4. That any person, firm, corporation, or other entity desiring to engage in the burning within the city limits of the City of Winona, Mississippi shall not engage in any burning prohibited by the Mississippi Department of Environmental Quality other State or Federal laws, regulations or policies;

Section 5. That any person, firm, corporation, or other entity desiring to engage in burning within the city limits of the City of Winona, Mississippi shall not burn within 30 feet of a roadway and/or 30 feet of an adjacent property line;

Section 6. That any person, firm, corporation, or other entity desiring to engage in burning within the city limits of the City of Winona, Mississippi shall not burn yard waste at any time that conditions are not suitable, such as winds above 10 miles per hour, or when there has been no appreciable rainfall within 72 hours.

Section 7. All fires must be put out by sunset, and no fires shall be permitted to burn overnight. All fires must be attended by an adult at all times with a charged water hose able to reach all sides of the fire and only one fire may be maintained at any one time per property owner. Any burning conducted within the corporate limits of the City of Winona shall be ceased immediately if so instructed by the City of Winona Fire Chief.

Section 8. To open burn allowed debris inside the city limits of Winona, contact the Winona Fire Department. The City of Winona requires 48-hour advance notice to schedule a permit inspection. If the City of Winona Fire Chief refuses a permit request, the party seeking a permit may appeal to the Board of Aldermen of the City of Winona within thirty (30) days from the date of denial. No burning of any type shall take place during burn bans imposed by the Mississippi Department of Forestry or during burn bans imposed by Montgomery County.

a. 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 allowed open burning of debris is \$200.00. However, the permit fee is *waived* for a property owner who pays ad valorem taxes on the real estate that is subject to the burn request permit.

(2) Open burns required for emergency situations or fire training and instruction shall not be required to obtain a permit.

(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 Winona Fire Department.

b. Inspection.

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

(2) 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.

(3) 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.

Section 9. For a first violation of this Ordinance a person, firm, corporation or other entity shall be punished as a misdemeanor offense by a fine not to exceed \$500.00 (Five Hundred Dollars) and up to 5 days in jail. For a second or subsequent violation of this Ordinance within a two-year period from and after the first or prior violation, a person, firm corporation or other entity shall be punished by a fine not exceeding \$1,000.00 (One Thousand Dollars) and up to than 30 days in jail.

Section 10. This open burn ordinance shall not affect or modify the ordinance regarding the burning of yard waste within the city limits of the City of Winona.

The above and foregoing Ordinance, having been first reduced to writing, was read and considered section by section, then as whole; the motion to adopt the foregoing Ordinance being made by Alderman Austin, who was seconded by Alderman Harris, the vote section by section and a whole being as follows:

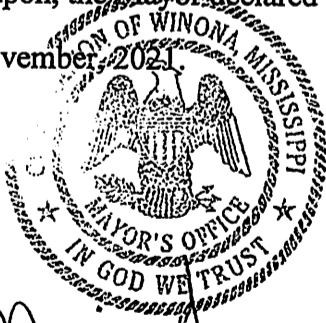
1. Section 1-8:

Alderman Mickey Austin voted	"Aye";
Alderman Travis Johnson voted	"Nay";
Alderdwoman Sylvia Clark voted	"Aye";
Alderdwoman Linda Purnell voted	"Aye";
Alderman Charles Harris voted	"Aye".

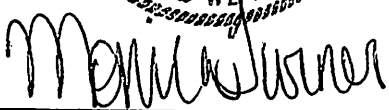
2. As a whole:

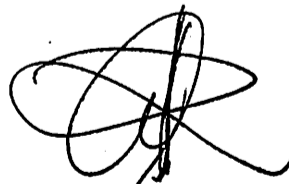
Alderman Mickey Austin voted	"Aye";
Alderman Travis Johnson voted	"Nay";
Alderdwoman Sylvia Clark voted	"Aye";
Alderdwoman Linda Purnell voted	"Aye";
Alderman Charles Harris voted	"Aye".

Thereupon, the Mayor declared the motion carried and said Ordinance adopted on this the 16<sup>th</sup> day of November, 2021.



ATTEST:

  
Monica Turner, City Clerk



Aaron Dees, Mayor