

CITY OF CARTHAGE, MISSISSIPPI

ORDINANCE NO: 2023-009

**AMENDED ORDINANCE OF THE CITY OF CARTHAGE, LEAKE COUNTY,  
MISSISSIPPI GOVERNING RESIDENTIAL BURNING**

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF CARTHAGE, Leake County, Mississippi, as follows:

WHEREAS, the Mayor and Board of Aldermen have determined the the needs of the City of Carthage require the adoption, rescission, amendment, and modification of "RESIDENTIAL BURNING" Ordinance for the City of Carthage, Mississippi;

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

WHEREAS, the Mayor and Board of Aldermen have determined that there be no residential burning within the city limits of the City of Carthage. No permits will be issued for residential burning.

WHEREAS, the Mayor and Board of Aldermen have determined Controlled burning permits will only be issued by the City of Carthage Fire Chief or the Assistant Fire Chief as deemed necessary for commercial use only. The permit fee for a controlled burn is \$100.00 and good only on the date of the permit.

- SECTION 1. **Permits or certificates.** The City of Carthage Fire Department shall be designated as the office to issue Controlled Burning Permits. The Career Staff of the Fire Department are authorized to issue written permits for Residential Class 1 material (described as Natural Vegetation ONLY) as provided in such ordinance.
- SECTION 2. **Fires in public right-of-way.** Under no circumstances, whether or not a permit has been issued, shall a person ignite, cause to be ignited, and permit to be ignited or maintain any open fire within the limits of any public road or right-of-way.
- SECTION 3. **Fires burning out of control.** Whether or not a permit has been required or issued, no person shall ignite, cause to be ignited, permit to be ignited or maintain any open fire, nor shall any person authorize others to do so

on land owned or controlled by him, in such a manner as to allow such fire to burn out of control so as to require response of fire apparatus and/or personnel.

SECTION 4. **Evidence of violations.** A determination by the Fire Chief or representatives or the Mississippi Forestry Commission on the question of whether a fire has been allowed to burn out of control so as to cause response of fire apparatus and personnel shall be prima facie evidence on such question in any prosecution under the provisions of this article.

SECTION 5. **Banning of fires during periods of extreme fire danger.** The City Fire Chief shall have power to ban all outside fires during periods of extreme fire danger in his discretion, and it shall be unlawful to ignite or maintain any fire during the period of any such ban. No such permits shall be issued and no person shall ignite, cause or permit to be ignited or maintain any open fire when it has been determined to be a period of extreme fire danger by the City Fire Chief, Mississippi Forestry Commission, or State of Mississippi agency responsible for the welfare and safety of the public.

SECTION 6. **Extinguishing of fires.** The Fire Chief or any officer of the Fire Department, the Director of Health, or his designee, or any sworn officer of the Police Department may require any person who ignites or maintains a fire in violation of the provisions herein to extinguish such fire forthwith. Failure to extinguish such fire shall be a violation of this ordinance.

SECTION 7. **Open burning requirements.** Open burning shall be allowed only in accordance with the following conditions:

1. The responsible party must obtain a "Residential Class 1 Controlled Burn Permit" from the Fire Department as a means of informing the Department that the responsible party intends to be means of burning dispose of Natural Vegetation ONLY. Reasonable safety precautions must be taken, including clearing of grass and trees in the burning area, providing a charged water hose or fire extinguisher, and providing adequate personnel to control the burn, and having no other combustible material within 100 feet of the allowed burn.
2. No brush pile larger than six (6) feet in diameter and four (4) feet in height may be burned at any one time. The Natural Vegetation must originate from the property on which the burning will occur. "Natural Vegetation" is defined as shrubs, vegetation or pruning.
3. Open burning must be performed in accordance with the General Statutes of the State of Mississippi and the City of Carthage which includes the appropriate permit from the City of Carthage Fire Department.

4. Open burning shall be permitted only during the period of 6:00 AM, and 6:00 PM, except for fire training exercises supervised by the City of Carthage Fire Department which may be performed at any time of year.
5. The open burning of Natural Vegetation on undeveloped residential properties or undeveloped open land shall require a special Burn Permit regardless the size of the debris to be disposed of by burning.
6. Agricultural burning for vegetation management shall only be performed on those properties designated as "farmland" or Zoned Agriculture by the City of Carthage.
7. The responsible party charged with monitoring the fire must have phoned communications on site at all times for contacting Emergency Communications Center/911.
8. No debris shall be ignited on the weekends or holidays.
9. When weather conditions change to create unfavorable burning conditions, burning shall be halted and all burning extinguished.
10. The City of Carthage Fire Department reserves the right to revoke burn privileges immediately, if the responsible party fails to follow ANY of these guidelines.
11. No burning of (Rubber Tires, Plastics, Ect....)

SECTION 8. **Applicability.** The provisions of this ordinance shall not apply to the following:

1. Barbecue Grills, Open Grills or Manufactured Metal Fire Pits or other outdoor fires solely for the cooking of food for human consumption and entertainment, provided that it is performed in or on a fireplace or an appliance manufactured for such a purpose.
2. Fires used in conjunction with construction activities, such as fires in portable heating devices, fires that are essential to street installation or paving activities, the repairing of utilities or similar work. Warming fires utilized at stationary construction sites shall be conducted in a metal barrel or similar container.

## **APPLICABILITY**

### **Penalties for offenses**

1. Burning without a permit: \$1,000.00 plus all cost incurred by The City of Carthage.
  - a. Example: (a) court cost (b) city manpower wages (c) water fee (d) apparatus fee.
  - b. Each day will be considered a new violation.
2. Burning past expiration date noted by The City of Carthage Fire Department: \$500.00 per day. Rubbish cannot show any signs of smoke or open flames.

3. After the second violation the contractor, individual or organization responsible is prohibited from burning within the fire jurisdiction of The City of Carthage for one calendar year of second violation.

In accordance with the Mississippi Codes Amended 1972 s 17-17-9 Prohibits the Burning of Trash and Garbage

Burning of Household and Manufactured Materials or goods is prohibited and the property owner shall be held responsible for all fires as defined in the Mississippi Code 1972 Amended: "No garbage or rubbish containing garbage or other putrescible materials, or hazardous wastes shall be burned except in approved incinerators meeting the necessary temperature requirements and air pollution controls as now established or may later be established. The open burning of rubbish shall be permitted only under controlled circumstances where sanitary landfill and landfill is not feasible and not in proximity to sanitary landfill or landfill operations where spread of fire to these operations may be a hazard in the opinion of the controlling agency."

#### **Penalties for offenses**

Any person who fails to comply with any provisions of this ordinance may be fined in an amount not to exceed \$1,000.00, payable to The City of Carthage, Mississippi.

#### **45-11-111. Penalties.**

Any person, firm or corporation who shall knowingly and willfully violate the terms or provisions of the Mississippi Fire Prevention Code shall be guilty of a misdemeanor and upon conviction therefore shall be sentenced to pay a fine of not to exceed One thousand Dollars (1,000.00), and in case of continuing violations without reasonable effort on the part of the defendant to correct same, each day the violation continues thereafter shall be a separate offense.

Fines for burning Household and Manufactured Materials or Goods

1<sup>st</sup> Offense \$200.00

2<sup>nd</sup> Offense \$400.00

3<sup>rd</sup> Offense \$600.00

4<sup>th</sup> Offense \$800.00

5<sup>th</sup> Offense or more \$1,000.00 per offense after five offenses

City of Carthage  
Controlled Burning Violations

Date: \_\_\_\_\_

Name: \_\_\_\_\_

Address: \_\_\_\_\_

On this Day \_\_\_\_\_ of \_\_\_\_\_, 20\_\_\_\_\_  
At the above stated address, the occupant of the property did so willingly and without regard for public safety allow for:

1. Burning without a permit: \$1,000.00 plus all cost incurred by The City of Carthage.
  - a. Example: (a) city cost (b) city manpower wages (c) water fee (d) apparatus fee
  - b. Each day will be considered a new violation.
2. Burning past expiration date noted by The City of Carthage Fire Department: \$500.00 per day. Rubbish cannot show any signs of smoke or open flames.
3. After the second violation the contractor, individual or organization responsible is prohibited from burning within the fire jurisdiction of The City of Carthage for (1) one calendar year of second violation.

This is the 1<sup>st</sup> 2<sup>nd</sup> 3<sup>rd</sup> 4<sup>th</sup> 5<sup>th</sup> offense for this occupant under The City of Carthage Burn Ordinance,

This is the \_\_\_\_\_ offense for this occupant and is recommended to be fined the maximum amount of \$1,000.00 which is allowed by Law.

Occupant/Representative: \_\_\_\_\_  
Signature Date

Fire Department Official: \_\_\_\_\_  
Signature Date

EFFECTIVE DATE. This Ordinance shall be in full force and effect one (1) month from and after its passage.

The foregoing Ordinance having been reduced to writing and having been read and considered by Section and then as a whole, Alderman Josh Stokes moved to adopt same by Sections and as a whole. Alderman Britt Barnes seconded the motion to adopt the Ordinance, and the Mayor having called the question to vote, the following vote was recorded:

Alderman, Britt Barnes " Yea "  
Alderman, Marcus Williams " No "  
Alderwoman, Robin Burgess " Absent "  
Alderwoman, Josh Stokes " Yea "

The Mayor declared the motion to have been carried and the Ordinance to have been adopted, and directed the publication thereof.

SO ORDERED this the 2<sup>nd</sup> day of October, 2023.



City Clerk

Laurie Henderson  
Mayor