

Outdoor and Open Burning Ordinance for the Town of Ridgeland

Ordinance Number ?

SECTION 1: PURPOSE

1.00 Purpose.

This ordinance is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Town of Ridgeland by regulating the air pollution and fire hazards of open burning and outdoor burning.

SECTION 2: APPLICABILITY

2.00 Applicability.

This ordinance applies to all outdoor burning and open burning within the Town of Ridgeland.

- 2.1. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- 2.2. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- 2.3. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 3: SEVERABILITY

3.00 Severability.

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 4: DEFINITIONS

4.00 Definitions.

- 4.1. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- 4.2. "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- 4.3. "Fire Chief" means the Chief of the Town of Ridgeland Fire Department or other person designated by the Fire Chief.
- 4.4. "Municipality" means town municipal boundaries.
- 4.5. "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- 4.6. "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.
- 4.7. "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

- 7.1.3. Outdoor campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance and the fire department has been notified.
- 7.1.4. Open burning under this section shall only be conducted at a location at least 150 feet from the nearest building which is not on the same property; unless granted permission by the Fire Chief or his designee.
- 7.1.5. Open burning shall be allowable in all months however; the Town of Ridgeland Fire Department does not allow these types of burning on Sundays.
- 7.1.6. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- 7.1.7. No materials may be burned upon any street, curb, gutter or sidewalk.
- 7.1.8. Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 50 feet from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief or his designee.
- 7.1.9. No open burning may be conducted on days when the Town of Ridgeland Fire Department has scheduled activities that reduces the amount of equipment or employees.

SECTION 8: AGRICULTURAL BURNING

8.00 Agricultural Burning.

Open burning of weeds, brush, and crops on agricultural lands is allowed if conducted in accordance with other applicable provisions of this ordinance and following guidelines set forth by the South Carolina Forestry Commission and the South Carolina Department of Health and Environmental Control.

SECTION 9: BURNING PERMITS

9.00 Burning Permits.

- 9.1. No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the Fire Chief or authorized designee of burning permits.
- 9.2. Any person responsible for burning leaves, brush, clean wood or other vegetative debris under Section 7 of this ordinance shall obtain a one-time burning permit good for each calendar day before starting the fire. There is no fee for each one-time burning permit.
- 9.3. A patio wood burning unit does not require a permit provided that the fire complies with all other applicable provisions of this ordinance.
- 9.4. When weather conditions or extenuating circumstances such as medical conditions of the surrounding population warrant, the Fire Chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- 9.5. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- 9.6. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.
- 9.7. Any person wishing to obtain a permit must contact the fire station and give there name, phone number, and E-911 address.

SECTION 10: LIABILITY

10.00 Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

SECTION 11: RIGHT OF ENTRY AND INSPECTION

11.00 Right of entry and inspection.

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Ridgeland Fire Department who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 12: ENFORCEMENT AND PENALTIES

12.00 Enforcement and penalties.

- 12.1. The Fire Chief or authorized designees are authorized to enforce the provisions of this ordinance.
- 12.2. Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by Town of Ridgeland and shall be punishable by civil fine determined in accordance with the following schedule:

| | <u>Minimum Fine</u> |
|---|---------------------|
| 1 st Offense within 1-year period* | Written warning |
| 2 nd Offense within 1-year period* | X \$ fine |
| 3 rd Offense within 1-year period* | X \$ fine |

*Restitution of additional costs for manpower and equipment may also be mandated by the Chief or authorized designee according to the schedule set forth in the Town of Ridgeland ordinance.

SECTION 13: FIRE SUPPRESSION TRAINING

13.00 Fire suppression training.

Notwithstanding sections 5 and 6 of this ordinance, structures and other materials may be burned for fire prevention training only in accordance with all of the following provisions.

- 13.1 The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste or material including tires and other hazardous materials.
- 13.2 All asbestos must be removed prior to conduction the fire suppression training. If the structure is a residential dwelling, the owner may remove the asbestos or have it removed by a licensed abatement contractor. If it is a commercial building, all asbestos must be removed by a licensed abatement contractor.
- 13.3 Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.

13.4 All fire suppression training should conform to the guidelines established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).

SECTION 14: EFFECTIVE DATE ?

***Not sure if you want to use the verbiage “burn permit” or “burn notification”. A permit is usually a issued document and notification kind of releases you from liability. That is what the Forestry Commission has kind of gone to.**

***This Sample Ordinance promotes safe and legal outdoor burning. It would be up to council if they want a burning ban or set better guidelines for burning. With our Firewise Community we promote safe and environmentally friendly outdoor burning.**