

State of South Carolina )

County of Aiken )

Ordinance No. 2-16-16

City of New Ellenton )

AN ORDINANCE OF THE CITY OF NEW ELLENTON TO AMEND CHAPTER 9, FIRE PREVENTION OF THE CODE OF ORDINANCE FOR THE CITY OF NEW ELLENTON, SOUTH CAROLINA REGARDING ADOPTING BURNING REGULATIONS WITHIN THE CITY LIMITS:

WHEREAS, the Mayor and City Council of the City of New Ellenton have determined that it is in the best interest of the City to amend City ordinances concerning burning within the City; and

Whereas, the Council of the City of New Ellenton has concluded that amending this ordinance is essential to the general health, safety, welfare and economic stability of the City and is in the best interest of its citizens;

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF NEW ELLENTON HEREBY ORDAINS THAT:**

**SECTION 9-7 WILL READ:**

**A) PURPOSE**

No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the incorporated areas of the City, except as stated in this ordinance.

**B) LOCACTION OF RESIDENTIAL YARD DEBRIS BURNING**

Open burning of leaves, tree branches or yard trimmings on the premises of private residences and burned on those premises, must be located not less than 50 feet from any structure, not less than 50 feet from the roadway and not less than 50 feet from the property line and adequate provision is made to prevent the fire from spreading within 50 feet of any structure.

**C) ATTENDANT, FIRE EQUIPMENT, NOTICE TO SC FORESTER AND STATE LAW**

The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the state forester or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative. The burning must be conducted in accordance with related state laws and regulations including , but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4

**D) FIRES SHALL BE PROHIBITED AS FOLLOWS**

1. The State or County fire service coordinator may prohibit open burning when atmospheric conditions, local circumstances or other conditions exist that would make such fires hazardous.
2. The following material shall not be burned in an open fire. Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition

debris, dead animals, construction debris, household chemicals, hazardous or toxic material, household garbage, tires, trade waste, coated wire and cardboard.

3. Open burning for the purpose of land clearing and right-of-way maintenance. Except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4.
4. Open burning for the purpose of land clearing , and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).
5. Open burning shall be prohibited on all roadways and drainage rights-of-way, or within an area that may cause damage to such areas.
6. Fires shall be extinguished due to multiple complaints from citizens/neighbors or if causing a public safety issue or health hazard.

#### E) CRITERIA FOR DETERMINING HAZARDS

Reasonable criteria shall be established by the City Council to assist in determining when outdoor fires may be hazardous. This criteria may include air quality standards as well as various fire danger indexes.

#### F) EXEMPTIONS

1. This ordinance does not apply to vegetative debris burning related to forestry, wildlife and agricultural burns, as authorized by the State Forestry Commission.
2. This ordinance is not meant to restrict open burning in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions or human warmth that are done in a safe manner.
3. Fires set for the purpose of training public fire fighting personnel when authorized by the appropriate governmental entity and fires set by private industry as a part of an organized program of drills for the training of fire fighting personnel. These will be exempt only if the drills are solely for the purposes of fire fighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval by DHEC is required only for sites which are not established training sites.

#### G) RESTRICTIONS

Smoke production must be ended and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day with the exception of fires in the connection with the preparation of food for immediate consumption, campfires and fires used solely for recreational purposes, ceremonial occasions, human warmth and where time parameters are already regulated by DHEC Regulations 61-62.2

#### H) CIVIL OR CRIMINAL LIABILITY

The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

#### I) REASONABLE

Officers of the City will document evidence by photograph or video when possible. Officers have the discretion to charge if the size of the fire is not reasonable for what the alleged purpose is. The size of the fire exceeding the alleged intended purpose will be evidence of the violation of this code.

J) PENALTY FOR VIOLATION OF THIS ORDINANCE

Any person who violates any of the provisions of this ordinance shall be guilty of a misdemeanor and shall be subject to a fine of no more than \$1,097.50 plus mandated assessments or imprisonment for thirty days or both.

All other ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed to the extent necessary to give the provisions of this ordinance full force and effect.

Adopted by the City of New Ellenton at a meeting held this 16<sup>th</sup> day of February 2016, at which a quorum was present and voting.

First Reading                    January 19, 2016

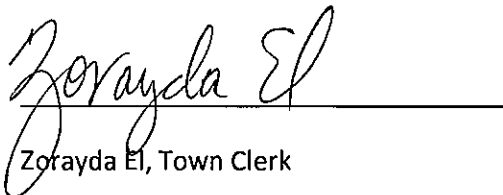
Second Reading:                February 16, 2016

CITY OF NEW ELLENTON, SOUTH CAROLINA

A handwritten signature in black ink, appearing to read 'V. Dunbar', written over a horizontal line.

Vernon Dunbar, Mayor

ATTEST:

A handwritten signature in black ink, appearing to read 'Zorayda El', written over a horizontal line.

Zorayda El, Town Clerk