

Chapter 8

FIRE PREVENTION AND PROTECTION*

- Art. I. In General, §§ 8-1—8-25**
Art. II. Open Burning, §§ 8-26—8-36

***Cross references**—Alarm systems, Ch. 3; buildings and building regulations, Ch. 6; street signs and building numbers, § 19-21 et seq.

State law references—Authority to provide for fire protection, G.S. § 7-148(c)(4)(B); fire marshals, fire hazards and the fire safety code, G.S. § 29-291 et seq.



ARTICLE I. IN GENERAL

Sec. 8-1. Fireworks.

(a) *Use.* The discharge, firing or use of all firecrackers, rockets, torpedoes, roman candles, fire balloons or other fireworks or substances designed and intended for pyrotechnic display, and all pistols, canes, cannons or other appliances using blank cartridges or caps containing chlorate of potash mixture, is hereby prohibited in the town. The board of selectmen, however, upon written application may grant written permission for such display of fireworks, provided that, in its opinion, such display shall be of such a character and so located, discharged or fired as not to constitute a hazard to surrounding property nor endanger any person.

State law reference—Fireworks display permit, G.S. § 29-357.

(b) *Sale, storage.* The sale of fireworks at retail and the storage or sale of fireworks at wholesale is prohibited.

(c) *Violation.* The violation of any of the provisions of this section shall be deemed a violation and any person found guilty of such violation shall be fined not less than ten dollars (\$10.00) nor more than twenty-five dollars (\$25.00) for each violation of this section.

(Ord. of 8-27-37(2), § 3)

State law reference—Fireworks, G.S. § 29-356 et seq.

Secs. 8-2—8-25. Reserved.

ARTICLE II. OPEN BURNING*

Sec. 8-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Brush means shrubs, vegetation or prunings the diameter of which is not greater than three (3) inches at the widest point.

*Editor's note—An ordinance adopted June 24, 1996, amended Art. II in its entirety to read as set out herein. The previous Art. II, §§ 8-26—8-36, pertained to outdoor fires and derived from an ordinance adopted May 18, 1970, §§ A—H.

State law reference—Kindling fire in the open, G.S. § 23-48.

Certificate means a certificate of open burning issued by the open burning official in such form or detail and valid for such period of time as the open burning official may prescribe.

Grill, barbecue or outdoor fireplace means any masonry or metal structure used only for cooking outdoors and not used for any disposition of material specified in the definition of open burning.

Open burning means any fire in the open air or outside the confines of a building for the purpose of:

- (1) The prevention, control or destruction of diseases and pests and agricultural burning for vegetation management;
- (2) The disposal of brush by a resident on the property where he or she resides;
- (3) The disposal of dangerous material such as toxic gases, where there is no reasonable alternative method of disposal;
- (4) Thwarting a hazard which cannot properly be managed by any other means or is necessary for the protection of public health;
- (5) Fires in saltwater marshes;
- (6) Subject to the provisions of section 8-32, fire training exercises; and
- (7) Any open fires other than those set forth in section 8-27(a).

Opening burning official means any person appointed by the first selectman designated and certified by the commissioner of environmental protection as a local open burning official. The open burning official may serve in a temporary capacity from the date of his or her appointment until certification by the commissioner of environmental protection.

(Ord. of 6-24-96)

Sec. 8-27. Permit required; distance from structures.

(a) No person shall kindle an open burning within the town without a certificate. This requirement does not apply to the following:

- (1) The use of an outdoor grill, barbecue or outdoor fireplace for cooking food for human consumption; and

(2) Fires to abate an immediate fire hazard provided the abatement fire is supervised by a responsible fire official.

(b) No person shall kindle an open burning unless the location of the open burning is no less than fifty (50) feet from any structure, woodlands and grasslands and adequate provision is made to prevent the fire from spreading within fifty (50) feet of any structure or other combustible material in an uncontrolled manner.
(Ord. of 6-24-96)

Sec. 8-28. Time of burning.

Open burning shall be done only between the hours of 10:00 a.m. and 5:00 p.m. as specified on the certificate and shall only occur on sunny or partly sunny days when wind speed is five (5) to fifteen (15) miles per hour.
(Ord. of 6-24-96)

Sec. 8-29. Attendance.

An open burning shall be constantly attended by the certificate holder until the fire is extinguished. This person shall have extinguishing equipment readily available for use.
(Ord. of 6-24-96)

Sec. 8-30. Authority to prohibit during hazardous circumstances.

The open burning official or the fire marshal may prohibit any or all open burnings when atmospheric or local circumstances make such fires hazardous.
(Ord. of 6-24-96)

Sec. 8-31. Additional conditions.

For all open burning described in subsection (3) of the definition of open burning, only materials and quantities specified on the certificate may be burned and the open burning official may add any reasonably specifically identified conditions if circumstances indicate that air pollution standards will be violated by open burning.
(Ord. of 6-24-96)

Sec. 8-32. Firefighter or employee instruction.

Notwithstanding the provisions of section 8-27, fires for training firefighters and methods of firefighting where liquid fuels are burned shall not require a certificate.
(Ord. of 6-24-96)

Sec. 8-33. Certificate procedures.

(a) A signed, written certificate from the open burning official is needed for open burning for each specific location.

(b) Certificates will be issued by the open burning official for a period of time specified on the certificate.

(c) Daily verbal permission for an open burning is required by calling the fire department and giving the name and address of the certificate holder and the certificate number.

(d) Certificates will not be issued if:

(1) A hazardous health condition will be created;

(2) A salvage operation by open burning will be conducted;

(3) A practical alternative method of disposal for the material to be burned is available;

(4) Such open burning would interfere with or prevent the attainment or maintenance of ambient air quality standards imposed by state or federal law;

(5) Forest fire danger, as determined by the state forest fire warden, is high or extreme and the area where the open burning is conducted is within one hundred (100) feet of a woodland or grassland.

(6) A certificate is not needed for outdoor cooking, grills or fireplaces. Permission is needed for campfires and bonfires and may be obtained by calling the town fire marshal.
(Ord. of 6-24-96)

Sec. 8-34. Burning restrictions.

The following shall not be burned:

(1) Tires, oil waste, fuel oil or any material that emits large quantities of smoke;

- (2) Garbage or animal or vegetable waste;
 - (3) Automobiles or parts removed from vehicles;
 - (4) Paper, grass, metals, plastics, leaves, rubber, painted materials or demolition waste.
- (Ord. of 6-24-96)

Sec. 8-35. Enforcement.

This article shall be enforced by the police department with warning or arrest. During an air pollution alert, all burning will be prohibited.

(Ord. of 6-24-96)

Sec. 8-36. Penalty.

Any person who violates any provisions of this article shall be fined not more than one hundred dollars (\$100.00) per occurrence in addition to any applicable state or federal fines or penalties.

(Ord. of 6-24-96)

