



TOWN OF KNIGHTDALE

950 Steeple Square Court
Knightdale, NC 27545
KnightdaleNC.gov

ORDINANCE #21-07-21-010 AN ORDINANCE AMENDING THE TOWN OF KNIGHTDALE CODE OF ORDINANCES

WHEREAS, town staff recently completed a thorough review of open burning regulations within the Code of Ordinances; and

WHEREAS, current open burning regulations are located within the Solid Waste Management chapter of the Code of Ordinances; and

WHEREAS, for organizational purposes, the regulations should be moved to the Fire Protection chapter of the Code of Ordinances; and

WHEREAS, N.C General Statute gives the Town Council the authority to adopt, repeal, and replace ordinances; and

WHEREAS, Section 41.03 of the Town of Knightdale Code of Ordinances is hereby amended to read as follows:

~~*Burning and burying solid waste or yard waste.*~~

~~*—(a) Open burning and outdoor burning are prohibited in the Town unless the burning is specifically permitted by this chapter. The open burning of refuse or solid waste, trees, logs, brush, stumps, leaves and grass clippings is prohibited.*~~

~~*—(b) Fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort and which do not create a nuisance and do not use synthetic materials or refuse or salvageable materials for fuel are permissible. The Fire Official is authorized to order the extinguishment of a fire creating a hazardous or objectionable condition.*~~

~~*—(c) Training fires set for the purpose of instruction and training of firefighters, public, and industrial employees in the methods of firefighting are permissible.*~~

~~*(d) It shall be unlawful for any person to bury any solid waste without first obtaining a permit to do so from the state.*~~

~~*—(e) The Fire Chief, Police Chief or Planning Director, or their representatives, may issue civil penalties for violations of this section. The civil penalty for violation of this section shall be two hundred fifty dollars (\$250.00). All such civil penalties are due and payable to the Town within ten (10) days of the date issued. Offenders may appeal civil penalties issued under this section to the Town Manager within ten (10) days of the issuance date.*~~

WHEREAS, Chapter 31 of the Knightdale Code of Ordinances is hereby amended by adding a section on Open Burning which reads as follows:

Regulation of open burning

(a) Purpose. The purpose of this section is to regulate certain open burning in order to protect the public from the hazards of fires and air pollution. Open burning is defined as the burning of materials wherein products of combustion are emitted into the ambient air without first passing through a stack or chimney from an enclosed container.

(b) Scope. This regulation shall apply to all operations involving open burning within the Town of Knightdale, except those specifically exempted by this section.

(c) No open burning allowed. No person shall cause, suffer, allow, or permit open burning of refuse or other combustible material except as may be permitted in compliance with this section. As public pickup services are available for solid waste and yard waste within the Town of Knightdale, no open burning of trash, leaves, tree branches, or yard trimmings are allowed.

(e) Permissible open burning with required permit. While recognizing that open burning contributes to air pollution, certain types of open burning may reasonably be allowed in the public interest. The authority to conduct open burning under the provision of this section does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct, nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations, and orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with this section. The following types of burning are permissible within the Town limits with a town-issued burning permit:

(1) Fires purposely set to agricultural lands for disease and pest control and other accepted agricultural or wildlife management practices.

(2) Fires purposely set to forest lands for accepted forest management practices.

(3) Fires purposely set in rural areas for rights-of-way maintenance.

(4) Bonfires, as defined by the NC Fire Prevention Code, are large fires utilized for ceremonial purposes and are considered open burning. These are typically conducted in conjunction with planned events and are larger than three feet in diameter and two feet in height. A bonfire shall not be conducted within 50 feet of a structure or combustible material and conditions.

(5) The burning of waste materials, trees, brush, and other vegetable matter in connection with construction projects and the clearing of land or rights-of-way and with the following limitations:

a. Prevailing winds at the time of burning must be away from any city or town or built-up area, the ambient air of which may be significantly affected by smoke, fly-ash, or other air contaminants from the burning;

b. The location of the burning must be at least 500 feet from any occupied dwelling and 250 feet from any public road;

c. The amount of dirt on the material being burned must be minimized;

d. Heavy oils, asphaltic materials, items containing natural or synthetic rubber or any materials other than plant growth may not be burned;

e. Initial burning may generally be commenced only between the hours of 8:00 a.m. and 6:00 p.m., and no combustible material may be added to the fire after 6:00 p.m. It shall be the responsibility of the owner or operator of the open burning operation to obtain written approval for burning during periods other than those specified above. At no time during the burning operation shall the permittee fail to have the fire tended or guarded.

f. Fires are not permitted on Air Quality Code Orange, Red or Purple days.

(6) Permits or permissions granted by the town under this section shall be subject to continued review and may be withdrawn at any time. Furthermore, the Town of Knightdale burning permit must remain on the premises during the hours of burning.

(f) Recreational fires are defined by the North Carolina Fire Prevention Code as fires three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes. Recreational fires are NOT considered open burning, are exempted from the above provisions, and do not require an open burning permit.

(1) Recreational fires shall be at least 25 feet from a structure or combustible material.

(2) Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. Shall not be used to burn rubbish, yard waste, or synthetic material.

(3) Outdoor fireplaces, barbecue grills, barbecue pits are not considered open burning.

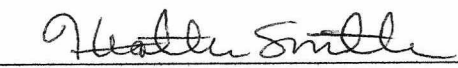
(g) Training fires set for the purpose of instruction and training of firefighters, public, and industrial employees in the methods of firefighting are exempted from the above provisions and do not require an open burning permit. Training fires must follow the requirements of NC Air Quality and Health Hazards Control Unit.

(h) The Fire Chief, Police Chief or Planning Director, or their representatives, may issue civil penalties for violations of this section. The civil penalty for violation of this section shall be two hundred fifty dollars (\$250.00). All such civil penalties are due and payable to the Town within ten (10) days of the date issued. Offenders may appeal civil penalties issued under this section to the Town Manager within ten (10) days of the issuance date.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Knightdale, North Carolina that the above sections of the Knightdale Code of Ordinances are amended.

This the 21st day of July, 2021.

BY: 
Jessica Day, Mayor

ATTEST: 
Heather M. Smith, Town Clerk