

# TOWN OF LAUREL PARK

## CHAPTER 2 ARTICLE 9A

### OUTDOOR AND REFUSE BURNING ORDINANCE

#### SECTION 1: PURPOSE

**1.0 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 Laurel Park, Henderson County, North Carolina due to the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

**2.0 Scope.** This section applies to all operations involving open burning. This section does not authorize any open burning, which is a crime under G.S. 14-136 through G.S. 14-140.1 or affect the authority of the division of forest resources to issue or deny permits for open burning in or adjacent to woodlands as provided in G.S. 13-60.2 I through G.S. 113-60.31. This section does not affect the authority of the North Carolina Division of Air Quality Agency to regulate open burning through its fire codes or other ordinances. The issuance of any open burning permit by the division of forest resources or any state government does not relieve any person from the necessity of complying with this chapter or any other air quality rule.

#### SECTION 2: APPLICABILITY

**2.00 Applicability.** This ordinance applies to all outdoor burning and refuse burning within the Town of Laurel Park.

**2.1.** This ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking or grilling appliances.

**2.2.** This ordinance does not apply to burning in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes refuse not permitted by G.S. 14-136 through G.S. 14-140.1.

**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: OPEN BURNING**

**4.00 Open burning prohibited.** A person shall not cause, allow, or permit open burning of combustible material in the Town of Laurel Park North Carolina except as allowed by this Ordinance.

## **SECTION 5: PERMISSIBLE OPEN BURNING**

**5.00 All open burning is prohibited in Laurel Park** except open burning allowed by the following exceptions:

**5.01.** Camp fires and 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.

**5.02.** Fires purposely set to public or private forest land for forest management practices for which burning is acceptable to the division of forest resources and which follows the smoke management plan as outlined in the division of forest resources' smoke management program.

**5.03.** Fires purposely set to agricultural lands for disease and pest control and fires set for other agricultural or agricultural practices acceptable to the division of agriculture.

**5.04.** Fires purposely set for wildlife management practices acceptable to the wildlife management commission.

**5.05.** Fires for the disposal of dangerous materials when it is the safest and most practical method of disposal, as approved by the fire chief or his designee.

**5.06.** Fires purposely set to demonstrate fire extinguishing equipment and train non-fire personnel in the safe operation of the equipment.

**5.07.** Fires purposely set for the instruction and training of fire-fighting personnel.

**5.08.** Fires purposely set for the instruction and training of fire-fighting personnel when conducted under the supervision of or with the cooperation of one or more of the following agencies;

- The division of forest resources;
- The North Carolina Insurance Department;
- Western North Carolina Regional Air Quality Agency;
- North Carolina community colleges and technical institutes, including:
- The North Carolina Fire College; or The North Carolina Rescue College.

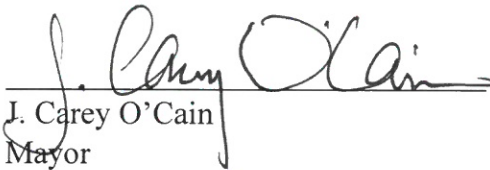
**5.09** Fires not described, purposely set for the instruction and training of fire-fighting personnel.

**SECTION 6. Penalties.**

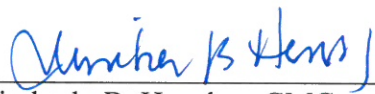
The Valley Hill Fire and Rescue Department Fire Chief or his approved designee shall cause extinguishment of all open burning that violates this chapter. The Henderson County Fire Marshal or the Town of Laurel Park Police Chief and their approved designees may issue a citation in the amount of \$100.00 per incident. Violation of this article shall constitute a misdemeanor punishable in accordance with G.S. 14-4. In addition to any citation/penalty, the violator may be assessed the cost of extinguishing the fire by the Town. These costs are to be calculated using the fees set out in the Town's schedule of fees as adopted by the Town Council and on file in the office of the Town Clerk.

Adopted this 21<sup>st</sup> day of May 2019.


Effective July 1, 2019

  
J. Carey O'Cain  
Mayor

Attest:

  
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Kimberly B. Hensley, CMC  
Town Clerk

Approved as to form:

  
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Sharon B. Alexander  
Town Attorney