



ORDINANCE 2025-04

AMEND CHAPTER 92 – FIRE PREVENTION OF THE TOWN OF ST. JAMES CODE OF ORDINANCES

WHEREAS, it has been determined that Chapter 92-Fire Prevention of the St. James Code of Ordinances does not all for disposal of vegetative debris on commercial properties prior to being subdivided for development; and

WHEREAS, the St. James Town Council desires to permit burning of vegetative debris as part of a commercial development but under certain terms and conditions to protect public health and safety; and

WHEREAS, the proposed amendments contained within this ordinance would accomplish that goal by providing for the application and issue of a permit from the Town Manager before any burning of vegetative debris could take place.

NOW, THEREFORE, BE IT ORDAINED, by the Town Council of the Town of St. James that the Code of Ordinances be amended by adding the following:

Chapter 92: FIRE PREVENTION

§ 92.01 AUTHORITY.

This chapter is established pursuant to the following grants of statutory authority:

(A) G.S. §§ 106-940 and 106-942, which designate Brunswick County as a "high hazard county" meaning that there is a high percentage of the land area containing organic soils or forest types which may pose great problems of forest fire and air pollution controls.

(B) G.S. § 106-949, which ensures local governments have the power to pass ordinances relating to open burning within their boundaries, in addition to those proscriptions set forth in G.S. Chapter 106, Article 78.

(C) G.S. § 160A-174, which permits the town by ordinance to define, prohibit, regulate, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens.

(Ord. 2025-01, passed 4-2-2025)

§ 92.02 PURPOSE AND OBJECTIVE.

To protect the town and its citizens, residents, and guests from the hazards of uncontrolled fires by regulating open burning within the town.

(Ord. 2025-01, passed 4-2-2025)

§ 92.03 RESTRICTIONS.

(A) All open burning within the town is prohibited except as specifically provided herein.

(B) Within the town, it shall be unlawful to burn solid waste which shall include both vegetative and non-vegetative materials including, but not limited to the following:

- (1) Non-vegetative materials such as, but not limited to, household trash, lumber, cardboard, paper, books, office paper products, magazines, litter, construction debris, refuse, garbage, or other junk and waste; and
- (2) Vegetative or yard debris such as, but not limited to, tree limbs, pine straw, leaves, and shrubs.

(C) Notwithstanding preceding Section 92.03(B), a party may apply to the town for a permit to conduct open burning for commercial development and land-clearing purposes, which the Town may issue subject to any conditions and/or limitations deemed reasonable to the town and depending upon the nature of the burning activity proposed and its location within the town and with respect to other properties and roadways. No such open burning for commercial development and land-clearing purposes may occur without first obtaining a permit from the town in addition to any other required permits or authorizations

(D) Within the town, the following are strictly prohibited: bonfires, sky lanterns, flamed luminaria, campfires, or any other open burning other than as set forth in §92.03(C).

(E) All efforts shall be made to prevent any smoke or odors produced from any permitted outdoor fire from becoming a nuisance upon, hazard, threat, or danger to neighboring properties, highways, and/or roads.

(F) The town's authorized personnel, which includes but is not limited to the Brunswick County Sheriff's Department, shall be authorized to demand that any fire which has become a nuisance, hazardous, or threat to the public health and safety be immediately extinguished, regardless of whether it is a permitted fire or not.

(G) Any and all warnings or directives regarding burn bans issued from any state or federal law enforcement or regulatory body, including but not limited to the North Carolina Forestry Service, must be adhered to at all times.

(H) This chapter does not relieve any person or entity from obtaining any permit that is required by state or federal law or regulation nor does it relieve any person or entity from complying with all other applicable laws, rules, permitting requirements, and/or orders of any other governmental or regulatory body with jurisdiction.

§ 92.04 LIABILITY.

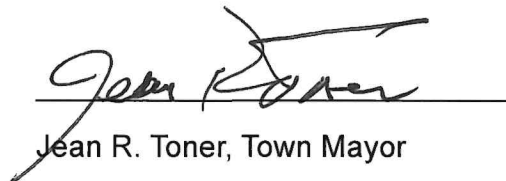
Unless otherwise prohibited by state or federal law, any person who engages in conduct prohibited by this chapter or engages in conduct permitted by this chapter, shall be responsible for any and all consequential damages, injuries, or costs that may result from said conduct.(Ord. 2025-01, passed 4-2-2025)

§ 92.99 PENALTY.


Any violation of this chapter may be enforced as a misdemeanor or infraction as provided by G.S. Chapters 14-1 and 113A-64, subject to a maximum fine of \$5,000

Adopted and effective immediately, this the 3rd day of December, 2025.

TOWN OF ST. JAMES


Jean R. Toner, Town Mayor

ATTEST:


Jamie Burns, Town Clerk

