

ORDINANCE 38-25

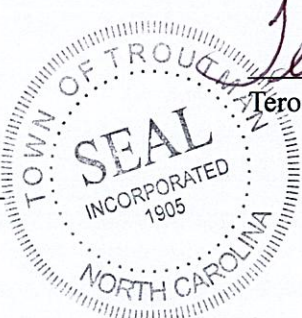
AN ORDINANCE AMENDING THE TOWN OF TROUTMAN CODE OF ORDINANCES SECTION 91.01
OPEN BURNING

§ 91.01 OPEN BURNING

- (A) No person shall intentionally or deliberately set fire to or cause the open burning of leaves, tree branches, garden space, grasslands, or trash materials inside the corporate limits of the town except that:
- (1) A permit for open burning for land clearing has been obtained from the Town of Troutman Planning and Zoning Department.
 - (2) A land clearing open burning permit shall be issued in the name of the person undertaking the burning and shall specify the specific area in which the burning is to occur, the type of material to be burned, the duration of the permit, and such factors as are necessary to identify the burning allowed under the permit upon the applicant completing the following:
 - (i) Submitting to an inspection of the proposed burning location by the Troutman Fire Department to ensure that the location of the burning is at least 2000 feet away from any dwelling, commercial or institutional establishment, or other occupied structure not located on the property which the burning is being conducted, as well as that the location of the burning is at least 250 feet from any public roadway.
 - (ii) Submitting documentation of recommendation of the proposed burning location by the Troutman Fire Department, and
 - (iii) Paying a fee of five hundred dollars (\$500.00).
 - (3) Any issued permit may be revoked by the Town of Troutman at any time where conditions exist that make open burning dangerous or creates a nuisance to the public. In the event a permit is revoked there will be no refund of the permit fee.
- (B) During periods of hazardous fire conditions or during air pollution episodes declared pursuant to G.S. Chapter 143, Article 21B, all open burning will be prohibited regardless of whether a permit has been issued.
- (C) If a fire is set without a permit or is taking place outside the scope of a valid permit, the person responsible for setting the fire or causing the fire to be set shall immediately extinguish the fire. If the person responsible does not immediately undertake efforts to extinguish the fire or take other action as directed by the fire department, the fire department may enter the property and take all reasonable steps to extinguish or control the fire and the person responsible for setting the fire shall reimburse the fire department for the expenses incurred by the department.
- (D) The authority to conduct open burning under the provisions of this section shall not exempt or excuse any person, firm, company, corporation, or other entity whatsoever from the consequences, damages, or injuries which may result from such conduct, nor does it exempt or excuse any person from not complying with all applicable laws, ordinances, regulations and orders of the state environmental management commission (Department of Environment, Health, Natural Resources) or any other local, state, or federal agency.
- (E) This article shall not apply to either: (i) fire kindled in a pit, exterior fireplace, "chimineas", cooking devices, or similar out-of-doors eating or cooking devices with a form of containment around the fire; (ii) campfires and fires used solely for outdoor cooking and other recreational purposes; or (iii) fire used solely for human warmth and comfort.
- (1) The types of fires as set out in this subsection (E) shall be confined either in a commercially purchased unit, a constructed pit or area not exceeding nine (9) square feet total with at least two (2) bricks in height, or other means to confine such a fire in an area not exceeding nine (9) square feet in total.

Adopted 1-8-26 *KHO*

Attest:
Kimberly H. Davis
Kimberly H. Davis, Town Clerk



Teros W. Young, Jr.
Teros W. Young, Jr., Mayor

TROUTMAN FIRE & RESCUE
PO BOX 22
TROUTMAN NC 28166



Application to Permit Open Burning

Materials to be burned: _____

Person responsible for burning _____ Phone Number _____

Address where burning will occur: _____

Date and time burning will begin: _____

Date and time burning will cease: _____

Signature of Applicant: _____ Date: _____

This application to permit open burning has been: Recommended Not Recommended

Signature of Fire Official: _____ Date: _____

No person shall intentionally or deliberately set fire or cause the open burning of any leaves, trees branches, garden space, grasslands, or trash material inside the corporate limits of the Town of Troutman without first obtaining a permit from the office of the Planning and Zoning and complying with all the conditions and instructions set forth in the permit.

(91.01 OPEN BURNING)

This permit may be revoked at any time where conditions exist that make open burning dangerous or creates a nuisance to the public.

No permit will be issued for the burning of yard waste, such as leaves, brush, dead wood, tree cuttings, and weeds where public pickup service is available.

Applications for the following open burning will be consider:

- Open burning for land clearing or right of way maintenance if the following conditions are met:
 - Prevailing winds are away from any area that may be affected by smoke, ash, or other air pollutants from the burning.
 - The location of the burning is **at least 2000 feet** from any dwelling, commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted.
 - The location of the burning is **at least 250 feet** away from any public roadway, measured from the edge of the pavement.

