

AN ORDINANCE REGULATING OPEN BURNING

WHEREAS, the North Carolina General Assembly, pursuant to NCGS. § 153A-121, a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county;

WHEREAS, at certain times of the year, due to dry weather conditions, it is for the benefit, safety and welfare of the citizens of Warren County that setting and burning of open fires be banned within 100 feet of a structure.

WHEREAS, in furtherance of the public's health, safety and welfare it is necessary to regulate open burning in Warren County where State Regulations are otherwise inadequate.

NOW THEREFORE, BE IT ORDAINED, by the Warren County Board of Commissioners:

ARTICLE I Purpose and Authority

Section 1: In conjunction with the North Carolina Forest Service burning ban the Warren County Fire Marshal's Office shall issue a burning ban of all-open burning within 100 feet of a structure and all fires shall be extinguished immediately.

Section 2: A burning ban on outdoor burning within 100 feet of a structure may be issued by the Warren County Fire Marshal's Office in the event of hazardous forest fire conditions or air pollution episodes.

Section 3: Local conditions that may warrant a burning ban include, but are not limited to;

1. Flammable and/or combustible liquid spills or leaks close to a burning site.
2. A hazardous materials incident where the proximity of the burn site could cause a possible ignition source or prove hazardous to operations controlling the incident.
3. The proximity of adjacent structures or other such hazards.

Section 4: Any burning ban issued by the Warren County Fire Marshal's Office shall be repealed in the same manner.

Section 5: Illegal fires, nuisance burning, and fires when burning bans are in effect or all other fires that fall under this ordinance, the North Carolina Fire Prevention Code and any applicable State regulations shall be extinguished immediately.

ARTICLE 2
Extinguishment of Fires

Section 1: The Warren County Fire Marshal or authorized representative has the authority to order the extinguishment or to extinguish any fire that violates this ordinance.

Section 2: The responding fire department, Fire Chief, or Officer in Charge has the authority to order the extinguishment or to extinguish any fire that violates this ordinance.

Section 3: The Sheriff of Warren County has the authority to order the extinguishment of any fire that violates this ordinance.

ARTICLE 3
Obstruction of Operations

No person shall obstruct the extinguishment of any fire that violates this ordinance when burning bans are in effect or disobey any lawful command of the Warren County Fire Marshal or authorized representative, Fire Chief or Officer in Charge or the Sheriff of Warren County.

ARTICLE 4
Enforcement and Penalties

Section 1 - Violation: It shall be unlawful for any person to violate or fail to comply with any of the provisions of this Ordinance. Each violation shall constitute a separate offense.

Section 2 - Penalties: Enforcement may be by any one (1) or a combination of the following methods and the institution of an action under these methods shall not relieve any party from any other criminal or civil proceeding prescribed for violations:

- A. **Warning Citation:** A warning citation may be issued for first offense.
- B. **Criminal Offense:** A violation of this Ordinance shall constitute a misdemeanor offense as provided by N. C. G. S. § 14-4.
- C. **Civil Penalty:** Any act constituting a violation shall subject the offender to a civil penalty in the amount of \$100.00. The civil penalty must be paid within thirty (30) days from the issuance of the citation. Failure to pay the penalty in the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty together with the cost of the action, including attorney fees, to be taxed by the court.

Section 3 - Enforcement: The criminal or civil proceeding shall be enforced by the Warren County Fire Marshal or authorized representative or the Sheriff of Warren County.

NOW, THEREFORE, be it resolved that the Board of Commissioners of Warren County hereby adopt the Ordinance Regulating Open Burning.

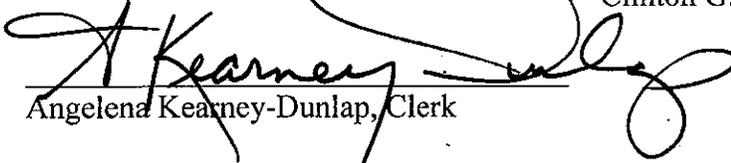
Adopted this the 7th day of April 2008.

Warren County Board of Commissioners

ATTEST:



Clinton G. Alston, Chairman



Angelena Kearney-Dunlap, Clerk

