

**TOWN OF JONESVILLE
ORDINANCE REGULATING OPEN BURNING**

Ordinance # _____

WHEREAS, the North Carolina General Assembly, pursuant to N.C.G.S. § 160A-174 a City 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 the Town Of Jonesville that setting and burning of open fires be banned when State Forest Services issues a State burning ban on open burning.

WHEREAS, in furtherance of the public's health, safety and welfare it is necessary to regulate open burning in Town Of Jonesville.

NOW THEREFORE, BE IT ORDAINED, by the Town Of Jonesville Board of Commissioners:

ARTICLE 1. Purpose and Authority.

Section 1. In conjunction with the North Carolina Forest Service burning ban the Town Of Jonesville Fire Department shall issue a burning ban of all open burning within the Town limits. The Jonesville Fire Department shall have the authority to extinguish all fires while open burning bans are in effect.

Exception: Cooking is allowed using a fully enclosed grill or outdoor cooker and someone must keep watch over it at all times. Fire rings and open grills are not considered fully enclosed grills.

Section 2. A burning ban on outdoor burning may be issued by the Town Of Jonesville Fire Department 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. Cancellation of Burning Ban

1. The Fire Chief shall cancel the burning ban in conjunction with the NC Forest Service burning ban cancellation.
2. The Fire Chief shall cancel the burning ban issued under Section 2 and Section 3 once the event, episode, hazard or emergency no longer exists.

Section 5. Illegal fires, nuisance burning, and fires when burning bans are in effect or all other fires that falls under this ordinance, the North Carolina State Building Code Fire Code and any applicable State regulations shall be extinguished immediately. Only yard waste shall be burned when no burning ban is in effect. (Leaves, brush, stumps or organic material grown on the property).

Nuisance Burning – If any time during a burn, the smoke and/or odors create a neighborhood nuisance, causes physical irritation exacerbating a documented medical condition, visibility impairment, evidence of soot or ash on property or structure other than the property on which the burning is done, the smoke and odors do not rise, hangs close to the ground, or crosses a street or highway and causes a hazard.

ARTICLE 2. Extinguishment of Fires

Section 1. The Fire Department 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 Chief of Police of the Town Of Jonesville 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 Fire Chief or authorized representative, Fire Chief or officer in charge or the Chief of Police of the Town Of Jonesville.

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 amount of \$50.00 The civil penalty must be paid within the 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 to be taxed by the court.

Section 3. Enforcement

The criminal or civil proceeding shall be enforced by the Fire Chief or authorized representative or the Chief of Police or authorized representative of the Town Of Jonesville.

NOW, THEREFORE, be it resolved that the Board of Commissioners of the Town Of Jonesville hereby adopt the Ordinance Regulating Open Burning.

Adopted on _____

Lindbergh Swaim, Mayor

Attest:

Lynn Trivette, Town Clerk

SEAL