



THE TOWN OF

# Holly Springs

**Ordinance Number:** 18-01

**Date Submitted:** Feb. 6, 2018

**Date Adopted:** Feb. 6, 2018

## **AN ORDINANCE TO AMEND THE TOWN CODE OF ORDINANCES OF HOLLY SPRINGS TO AMEND SECTION 12-284 IN CHAPTER 12, ARTICLE V, FIRE PREVENTION AND PROTECTION SECTION**

**BE IT ORDAINED** by the Holly Springs Town Council of the Town of Holly Springs, North Carolina, that the Code of Ordinances of the Town is amended as follows:

### PART 1:

Sec. 12-284. - Permit required for bonfire or outdoor fire.

No person shall kindle or maintain any bonfire, or shall knowingly furnish the material for any such fire, or authorize any such fire to be kindled or maintained on or in any street, avenue, road, lane or public ground or upon any private lot or public place within the limits of the town unless expressly provided for herein.

A. The following types of burning are permissible with a burning permit issued by the fire department and/or the NC Department of Environmental Quality:

(1) Fires purposely set to agricultural lands for disease and pest control and other accepted agricultural or wildlife management practices pursuant to the regulations and requirements of Article 78 of Chapter 106 of the North Carolina General Statutes.

(2) Fires purposely set to forest lands for accepted forest management practices.

(3) Fires purposely set in rural areas for rights-of-way maintenance.

(4) Bond fires for entertainment purposes where more than 15 people are in attendance. These fires shall be confined to containers approved by the town's fire department.

(5) The burning of approved waste materials, trees, brush and other vegetable matter in connection with construction projects and the clearing of land or rights-of-way and with the following limitations:

a. Prevailing winds at the time of burning must be away from any developed or occupied area, the ambient air of which may be significantly affected by smoke, fly-ash, or other air contaminants from the burning;

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b. The location of the burning must be at least 1,000 feet from any structure or dwelling other than a dwelling or structure located on the property on which the burning is conducted;

c. Burning must be an open-pit incinerator, i.e. a "curtain burn." Except for hazardous material, any combustible material or refuse that is allowed to be burned under this Subchapter may be burned in an open-pit incinerator that is properly designed and operated for the control of smoke and particulate matter. The owner or operator of the open-pit incinerator shall not accept any material owned by other persons and shall not transport any material to the property where the open-pit incinerator is located in order to burn the material.

d. The amount of dirt on the material being burned must be minimized;

e. Heavy oils, asphaltic materials, items containing natural or synthetic rubber or any materials other than plant growth may not be burned;

f. Initial burning may generally be commenced only between the hours of 9:00 a.m. and 3:00 p.m. **excluding Sunday's and Holidays**, and no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. of the following day, except that under favorable meteorological conditions deviation from the above-stated hours of burning may be granted by the air pollution control agency having jurisdiction. It shall be the responsibility of the owner or operator of the open burning operation to obtain written approval for burning during periods other than those specified above. At no time during the burning operation shall the permittee fail to have the fire tended or guarded.

g. No automobile tires shall be burned or used in starting a fire.

(6) Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises in areas where no public pickup facilities are available, and such burning is done between 9:00 a.m. and 3:00 p.m. and does not create a nuisance.

(7) Permits or permissions granted by the town under this section shall be subject to continued review and may be withdrawn at any time

B. Property owners of single family detached dwellings may have an outdoor fire in a container approved for that purpose, so long as i) excessive smoke is not created; ii) the fire is at least 30 feet from any structure; and iii) the fire is continuously visually observed and maintained by a responsible adult who has immediate access to enough water to extinguish the fire.

C. The authority to conduct open burning under the provision of this section does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations, and orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with this section.

D. Violation of this section is subject to the penalties listed in Section 12-352 of this Ordinance.

## **Part 2: REPEAL OF CONFLICTING ORDINANCES**

All ordinances or parts of the Town Code of the Town of Holly Springs conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

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**Part 3: SEVERABILITY**

If any section, part of a section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

**Part 4: INCLUSION IN CODE**


It is the intention of the Town Council entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Town Code of Ordinances of the Town of Holly Springs, North Carolina; that the Section(s) of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "Ordinance" may be changed to "Section, or "Article" or other word.

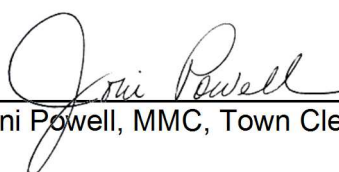
**Part 5: EFFECTIVE DATE**

The provisions of this ordinance shall become effective Feb. 6, 2018 in accordance with the laws of the State of North Carolina.

Adopted this, the 6<sup>th</sup> day of Feb., 2018.

Attested to:

  
Dick Sears, Mayor

  
Joni Powell, MMC, Town Clerk



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