

“Open Burning” Ordinance

The City Council of the City of Morganton hereby adopts the following Ordinance amending the City’s Code of Ordinances by adopting a new Section 3-2031, to read as follows:

Sec. 3-2031. Open burning; Exceptions.

(a) Definitions applicable to this Section:

Open burning is any intentional fire set and/or maintained outside of any building, fireplace, pit or similar structure.

Bonfire is a purposely constructed fire with a base more than two feet by two feet, but no more than five feet by five feet, intended for a special ceremonial or religious purpose.

Fire Official is the Chief of the Morganton Department of Public Safety, or the Captain of such Department assigned to direct fire services, or such other employee of the Department specifically designated by the Chief.

Land clearing is the burning of trees, limbs, stumps, and similar debris, associated with the clearing off of real property for some further development.

(b) Open Burning permitted in limited circumstances.

Open burning is allowed only following issuance of a permit from the Morganton Department of Public Safety, which may set out necessary terms and conditions. Application for such permit shall be on a form prepared by and available from the Department. The City may establish and set a reasonable fee for the processing, consideration and issuance of such permits.

No person shall ignite or kindle, cause to be ignited or kindled, allow or maintain, within the corporate limits of the City, any open burning fire, except as allowed in this Section. This includes the burning of any trash, refuse, shavings, paper, leaves, litter or other material of any kind outside any house, business, or structure, or on or in any street, sidewalk, alley, lot or yard within the corporate limits.

No open burning shall be permitted within the corporate limits where the materials to be burned can be transported to an accessible location for pick-up by vehicles of the City of Morganton Public Works Department.

Open Burning shall only include the following when permitted: Grass clippings, leaves, branches, limbs, stumps, and logs not over six inches in diameter.

Any burning shall also meet all regulations under the North Carolina Fire Code Section 307 (Open Burning, Recreational Fires and Portable Outdoor Fireplaces), or which may be set by the North Carolina Department of Environmental and Natural Resources (Division of Air Quality) (15a NCAC 02D .1903).

All burning shall be prohibited when a burning ban is in effect. Open burning shall not include material or waste produced by contractors or any type building material and trash or rubbish. An inspection of the site and a permit shall be obtained prior to any burning permitted.

Any violation of the stated conditions will void any permit. Any condition resulting in emission of smoke that becomes a nuisance or results in complaints shall be extinguished immediately.

(c) Land Clearing.

Open burning by any property owner or their representative for the use of land clearing and debris removal is prohibited unless a special permit for the same is first obtained from the Department of Public Safety.

The Fire Official of the Morganton Department of Public Safety may approve open burning for the purpose of land clearing on large undeveloped tracts of land in circumstances where it is impractical for the debris to be hauled from the site. This provision shall be limited to areas in the corporate limits of the city that are significantly rural, or undeveloped; and where it is determined that such activity will not endanger life, create high risk to property, or pose a likely nuisance. Any burning permitted for the purpose of land clearing shall follow the criteria set by NCDENR Division of Air Quality section 15A NCAC 02D . 1903.

(d) Bonfires, and any other form of open burning not stated above, shall only be allowed if a permit for the same is obtained from the Department of Public Safety.

(e) Exceptions. This Section shall not apply to, and no permit shall be required for except as specifically stated, the following:

- (1) Training fires set for the purpose of instruction and training of employees or agents of public facilities or of industries in the methods of firefighting, provided a permit for the same is first obtained from the Department of Public Safety.

(2) Open fires for cooking or heating, or for religious or ceremonial purposes, provided that:

- a. the fire is not composed, in whole or in part, of leaves, grass, or yard waste;
- b. the emission of smoke and fumes does not irritate or cause a nuisance to others beyond the boundaries of the tract on which the fire is burned;
- c. the fire is contained within an appropriate campfire pit or fireproof container designed for such purpose; and
- d. the fire is conducted in accordance with the North Carolina Fire Prevention Code.

(f) Violations and Enforcement.

(1) The Fire Official shall have the authority to summarily abate any condition which is in violation of this section and which presents an immediate fire hazard to life or property.

(2) All costs incurred by the City for enforcement of this section shall be the responsibility of the party or parties in violation of this section, and such costs shall be added to any fine imposed.

(3) A civil fine shall be issued to any person or entity violating any provision of this section. The fine shall be \$100.00 for any initial violation, and \$200.00 for any repeat or second violation.

The Ordinance was duly adopted this the 4th day of October, 2021.



Ronnie Thompson, Mayor

Attest:



Sally W. Sandy, City Clerk

