



ORDINANCE # O-2020-01

AN ORDINANCE OF THE TOWN OF DENTON, NC, AMENDING CHAPTER III, SUBCHAPTER A – FIRE HAZARDS

Whereas, North Carolina General Statute 160A-193 empowers municipalities to abate public health nuisances including open burning, and;

Whereas, the Town of Denton provides free brush pick-up to residents residing in the corporate limits of Denton, and;

Whereas, North Carolina Administrative Code 15A NCAC 02D.1903 establishes that open burning of leaves, logs, stumps, tree branches or yard trimmings is only allowed when there are no public pick-up services available, and;

Whereas, recreational fires, portable outdoor fireplaces / fire pits, stationary outdoor fireplaces and stationary outdoor fire pits do not require an open burning permit when used for pleasure, ceremonial, cooking or warmth.

Therefore, be it ordained by the Town of Denton Board of Commissioners that the Town of Denton Code of Ordinances is amended as follows:

PART 1:

That Chapter III, Subchapter A, Fire Hazards, of the Town of Denton Code be amended by repealing and replacing existing Sections 1 – 8 as provided herein:

Section 1 – Statewide Fire Code.

- (a) The North Carolina Fire Prevention Code as adopted by the North Carolina Building Code Council and as amended in the future, is hereby adopted and legally enforceable in the corporate limits and extraterritorial jurisdiction of the town.

Section 2 – Regulation of Open Burning.

- (a) *Purpose.* The purpose of this section is to regulate certain open burning in order to protect the public from the hazards of fires and air pollution.
- (b) *Scope.* This regulation shall apply to all operations involving open burning except those specifically exempted by this section.

- (c) *No open burning allowed.* No person shall cause, suffer, allow or permit open burning of refuse or other combustible material except as may be allowed in compliance with this section. Furthermore, the town of Denton burning permit must remain on the premises during the hours of burning.
- (d) *No open burning of leaves, tree branches or yard trimmings in Town limits.* Since the Town of Denton provides brush, limb and leaf pick-up services burning these items is not allowed.
- (e) *Permissible open burning not requiring a permit.* Camp fires and fires used solely for outdoor cooking, ceremonial occasions or human warmth and comfort are allowed with no permit required. Only raw natural or untreated wood may be burned. The fire must be at least 25 feet from any structure. The fires shall be confined to containers approved by the Town of Denton Fire Department.
- (f) *Permissible open burning with required permit.* While recognizing that open burning contributes to air pollution, certain types of open burning may reasonably be allowed in the public interest. 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. The following types of burning are permissible with a town of Denton burning permit:
- 1) Fires purposely set to agricultural lands for disease and pest control and other accepted agricultural or wildlife management practices.
 - 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) The burning of 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:
 - i. Prevailing winds at the time of burning must be away from any town built-up area, the ambient air of which may be significantly affected by smoke, fly-ash, or other air contaminants from the burning;
 - ii. The location of the burning must be at least 250 feet from any dwelling located in a predominantly residential area other than a dwelling or structure located on the property on which the burning is conducted;
 - iii. The amount of dirt on the material being burned must be minimized;
 - iv. Heavy oils, asphaltic materials, items containing natural or synthetic rubber or any materials other than plant growth may not be burned;

- v. Initial burning may generally be commenced only between the hours of 9:00 a.m. and 3:00 p.m., 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.
- 5) Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises in areas outside of the Town limits where no public pickup service is available, and such burning is done between 9:00 a.m. and 3:00 p.m. and does not create a nuisance.
 - 6) Permits or permissions granted by the town under this section shall be subject to continued review and may be withdrawn at any time.

Section 3 – Permit Required for Bonfire.

- (a) Bonfires shall require a permit from the Denton Fire Department.
- (b) No person shall kindle or maintain a bonfire on any private or public land unless the location is no less than 50 feet from any structure. Such a bonfire shall not exceed 50 cubic feet (measuring two feet by five feet by five feet) of combustible materials. Any bonfire with a size of between 50 cubic feet and 250 cubic feet (measuring ten feet by five feet by five feet) of combustible materials shall be located a minimum of 100 feet from any structure. No bonfire shall exceed 250 cubic feet in size.
- (c) Bonfires shall be limited to activities sponsored by bonafide civic, educational, religious or other groups for purposes of celebrations, pep rallies and similar activities only.
- (d) A bonfire shall be constantly attended by at least one person who is 21 years of age or older until such a fire is extinguished. Such person shall have a garden hose connected to a water supply or shall have other fire extinguishing equipment readily available for use. Access to communications to the Denton Fire Department shall be maintained within 200 feet of the bonfire.

Section 4 – Lots Kept Free from Fire Hazard.

- (a) It shall be unlawful for any person to permit or suffer rubbish, refuse or articles of combustible or inflammable nature to accumulate or remain on any lot or premises.

Section 5 – Summary Abatement.

- (a) The fire fighters of the Denton Fire Department shall have the authority to summarily abate any fire or any conditions which are in violation of any of the provisions of the

ordinance, and which may constitute an immediate threat to life and property. In no event shall an open burning continue after the fire department has revoked the permit.

PART 2: REPEAL OF CONFLICTING ORDINANCES.

All ordinances or parts of the Code of the Town of Denton conflicting or inconsistent with the provisions of this ordinance are hereby repealed.

PART 3: SEVERABILITY.

If any section, part of a section, paragraph, sentence, clause, phrase or word of the 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 Board of entered as hereby ordained, that the provisions of this Ordinance shall become and be made part of the Code of Ordinances of the Town of Denton, North Carolina; that the Section(s) of this Ordinance may be renumbered or re-lettered 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 immediately upon adoption in accordance with the laws of the State of North Carolina.

Passed and adopted this 13th day of July, 2020.

Deanna Grubb

Deanna Grubb, Mayor Pro Tem

ATTEST:

Angel Jenkins

Angel Jenkins, Town Clerk