

STATE OF SOUTH CAROLINA)
)
COUNTY OF GEORGETOWN)

ORDINANCE NO: 21-22

AN ORDINANCE TO ESTABLISH GUIDELINES TO REGULATE OUTDOOR OPEN BURNING WITHIN THE BOUNDARIES OF GEORGETOWN COUNTY, SOUTH CAROLINA

(a) - *Purpose.* This article is intended to promote the public health, safety, and welfare and to safeguard the health, comfort, living conditions, safety, and welfare of the citizens of Georgetown County, South Carolina (the "county"), due to the air pollution and fire hazards of open burning.

(b) - *Prohibition.* It shall be a violation of this article for any person to kindle or maintain any open burning or authorize any such fire to be kindled or maintained within fifty (50) feet of any structure, and provisions shall be made to prevent the fire from spreading within 50 feet of any structure, as that term is defined in the current adopted edition of the International Fire Code, and consistent with those codes and standards.

- (1) Exception – The minimum required distance from a structure shall be 25 feet where the pile size is three feet or less in diameter, and two feet or less in height.

(c) - *Restricted Materials.* Subject to all applicable laws of the State of South Carolina, which laws shall control in the event of a conflict between such laws and the provisions of this article, the following materials shall not be burned in the county:

- (1) Rubbish or garbage including but not limited to food wastes, food wraps, packaging, animal carcasses, paint, or painted materials, furniture, composite shingles, construction or demolition debris, or other household or business wastes.
- (2) Waste oil or other oily wastes.
- (3) Asphalt and products containing asphalt.
- (4) Treated or painted wood including but not limited to plywood, composite wood products, or other wood products that are painted, varnished, or treated with preservatives.
- (5) Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers.
- (6) Rubber including tires and synthetic rubber-like products.
- (7) Construction materials.
 - a. Exception – It is allowable to burn clean, dry, non-treated wood on a construction site for human warmth, provided that such burning is confined by a control device or structure and is done in a safe manner. These type of warming fires shall be completely extinguished before leaving the construction site.
- (8) Animal waste.
- (9) Abandoned, vacant, or dilapidated structures.
- (10) Waste material

(d) - *Compliance.* Any and all open burning must be conducted in accordance with all applicable federal, state, and local laws and regulations including, without limitation, the South Carolina Prescribed Fire Act, S.C. Code § 48-35-10 et seq., and DHEC Open Burning and Air Pollution Control Regulations and Standards, specifically 24A S.C. Code Ann. Regulations R 61-62.2 and R 61-62.4, South Carolina State Forestry Commission guidelines and South Carolina Smoke Management Guidelines. No open burning shall be conducted which results in the creation of nuisance conditions, including undesirable levels of smoke.

Subject to all applicable laws of the State of South Carolina, which laws shall control in the event of a conflict between such laws and the provisions of this article, the following materials can be burned in the county:

- (1) Open burning of clean wood, leaves, weeds, brush, and other vegetative debris, which originated on the property where the burning is taking place, is allowed only in accordance with the following provisions:
 - a. State law requires that before any open burning is allowed, the individual responsible for the open burning shall notify the Forestry Commission by calling 1-800-986-5256 and provide your name, address of the burn, and phone number. The individual responsible for the open burning shall also notify the Georgetown County Dispatchers Office at 843-527-6763 and provide your name, address of the burn, and phone number. This applies to burning leaves, limbs and branches that you clean up from your yard.
 - b. All permitted open burning shall be conducted in a safe and nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on neighboring parcels, roadways, railroads, or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.
 - c. No open burning shall be undertaken during periods when either the fire chief or any authorized agent of the State of South Carolina has issued a burning ban applicable to the area.
 - d. Open burning under this section shall be conducted only at a location at least 50 feet from any structure.
 - i. Exception – The minimum required distance from a structure shall be 25 feet where the pile size is three feet or less in diameter and two feet or less in height.
 - e. Open burning shall be constantly attended and supervised by a competent person of at least 18 years of age, who must remain at the location until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
 - f. The individual responsible for the open burning must remain at the location until the fire is completely extinguished and is cold.
 - g. No materials may be burned upon any street, curb, gutter, or sidewalk.

(d) - *Authority to prohibit permitted burning.* The Georgetown County Administrator or his/her designee(s), at the recommendation of any of the county's fire chief (Georgetown County Fire and EMS, Midway Fire Rescue, Murrells Inlet-Garden City Fire District) or other appropriate official, may prohibit open burning that is otherwise authorized by this section when atmospheric conditions, local circumstances or other conditions exist that, in the determination of such official, would make such fires hazardous. This would include an automatic prohibition of any open burning in Georgetown County, South Carolina during the time frame in which there is an active Red Flag Fire Alert issued by the South Carolina Forestry Commission.

(e) - *Extinguishment Authority.* Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the Fire Code Official is authorized to order the extinguishment of the open burning operation.

(f) - *Exemptions.* The provisions of this section do not apply to the following, unless specifically prohibited by action taken pursuant to subsection (d) above:

- (1) Vegetative debris burning related to forestry, wildlife, and agricultural burns authorized by the South Carolina Forestry Commission provided no nuisance conditions are created.
- (2) Any burning in connection with the preparation of food for immediate consumption, or fires used solely for recreational purposes, ceremonial occasions, or human warmth (such as small campfires, outdoor fireplaces, heaters, grills, stoves, fire pits, chimineas, woodstoves, etc.), so long as such burnings are properly contained, continuously monitored, performed in a safe manner and provided no nuisance conditions are created.
- (3) Fires set for the purposes of training public firefighting personnel when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills for the training of firefighting personnel. These will be exempt only if the drills are solely for the purposes of firefighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval by the local fire chief or his/her designee is required for sites which are not previously approved and established training sites.
- (4) Fires set by or at the direction of a public official in the performance of an official operation, function, or duty.

(g) - *Liability.* Any burning not expressly prohibited by the provisions of this section shall not relieve the individual responsible for such burning from the consequences of or the damages or injuries resulting from the burning, or from any civil or criminal liability which may occur as a result of such burning, and shall not exempt or excuse the individual from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction. Any person setting an outdoor fire shall be responsible for all fire suppression costs and expenses.

(h) - *Administration and enforcement.* The provisions of this section shall be administered and enforced by the Georgetown County Administrator and/or his/her designated

representative(s). Such official and/or his/her designee(s) are authorized to take whatever measures necessary to extinguish any fire prohibited by this section.

(i) - *Agricultural burning*. Burning on a parcel of at least three acres that is conducted not less than 500 feet from the property line and in accordance with all applicable laws of the State of South Carolina.

(j) - *Campfire/Cooking Fire*. A small outdoor fire using only clean wood; intended for recreation, cooking, or ceremonial purposes; and confined by a control device or structure such as a barrel, fire ring, or fire pit, but not including a fire intended for disposal of waste wood or refuse.

(k) - *Clean Wood*. Natural wood which has not been painted, varnished, or coated with a similar material, has not been pressure treated with preservatives, and does not contain resins or glues as in plywood or other composite wood products. Clean wood does not include green wood, wood from recently cut or felled trees with leaves and bark still intact, or wood that for other reasons would present a burn or smoke hazard.

(l) - *Fire Chief*. The Chief of Department from Georgetown County Fire and EMS, Midway Fire Rescue, Murrells Inlet-Garden City Fire District or their designee.

(m) - *Open Burning*. Kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

(n) - *Refuse*. Any form or type of material or waste material except clean wood.

(o) - *General Penalty; Continuing Violations*. The following conditions will result in the penalties, and or violations to the individual responsible for the open burning violation.

- (1) *Code or ordinance violation declared to be unlawful, or an offense, or a misdemeanor; abatement*. Wherever in this Code or in any ordinance of the county any act is declared to be unlawful, or an offense, or misdemeanor, or whenever in such Code or ordinance the doing of any act is required, and the failure to do any act is declared to be unlawful, or an offense, or misdemeanor, and where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be subject to a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding thirty (30) days, or both. In lieu of fine or imprisonment, under the appropriate circumstances, a violator may be given up to thirty (30) days of public service. Each day any violation of any such provision of this Code or of any such ordinance shall continue shall constitute a separate offense, except as otherwise may be provided. In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any such provisions of this Code or of any such ordinance may be abated by the county by restraining order, injunction, or other means provided by law, and the county may take the appropriate action to recover the costs of the action taken to abate.

- (2) *Code or ordinance violation declared to be an infraction or a public nuisance; abatement.* Whenever in this Code or in any ordinance of the county any act is declared to be an infraction or public nuisance, or whenever in such Code or ordinance the doing of any act is required, and the failure to do any act is declared to be an infraction or public nuisance, and where no specific penalty is provided therefor, the violation of any such provision of this Code or any such ordinance shall be subject to a fine not exceeding two hundred dollars (\$200.00). In lieu of fine, under the appropriate circumstances, a violator may be given up to thirty (30) hours of public service. Each day any violation of any such provision of this Code or of any such ordinance shall continue shall constitute a separate offense, except as otherwise may be provided. In addition to the penalty hereinabove provided, any condition caused or permitted to exist in violation of any such provisions of this Code or of any such ordinance may be abated by the county by restraining order, injunction, or other means provided by law, and the county may take the appropriate action to recover the costs of the action taken to abate.
- (3) *Warnings, citations and notices.* Any person who violates any provision of this Code or any ordinance of the county may be issued a warning or notice that the person is in violation of the Code or ordinance, or notification that certain action is necessary to comply with the Code or ordinance, in lieu of or in addition to, any penalties provided for a violation of the Code or ordinance. Any warning or notice shall state the bond/fine set for the violation, if any, and the date and time at which the violator is to appear before the magistrate's court, if applicable. The procedures governing the issuance, form and content of warnings and notices shall be prescribed by the county administrator or his designee, or otherwise as set forth in this Code.

Enacted and approved, in a meeting duly assembled, this ____ day of _____, 2021.

GEORGETOWN COUNTY, SOUTH CAROLINA

By: _____

Louis R. Morant, Chairman, County Council
Georgetown County, South Carolina

Attest:

By: _____

Theresa E. Floyd, Clerk to Council
Georgetown County, South Carolina

First Reading: July 27, 2021

Second Reading:

Third Reading: