

ARTICLE 1. OUTDOOR BURNING

Sec. 1. Compliance with article provisions.

No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the unincorporated areas of the county, except as stated in this article.

Sec. 2. Location of residential yard debris burning.

Open burning of leaves, tree branches, or yard trimmings on the premises of private residences and burned on those premises, must be located not less than 35 feet from any structure and not less than 50 feet from the property line and adequate provision is made to prevent the fire from spreading within 25 feet of any structure. Open burning for the purpose of land clearing or right-of-way maintenance must be conducted in accordance with the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and SC Code 1976, Section 48-35-10 et seq.

Sec. 3. Attendant and fire extinguishing equipment required; notice to state forester; adherence to state law.

The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the state forester or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative. The burning must be conducted in accordance with related state laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq. Optional – Call 1 (800) 705-8615.

Sec. 4. Restrictions; exceptions.

Smoke production must be substantially ended and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day with the exception of fires in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth and fires where time parameters are already regulated by the Department of Health & Environmental Control Regulation 61-62.2.

Sec. 5. Prohibited on county roads, drainage rights of way and adjacent areas.

Open burning shall be prohibited on all county maintained roads and county maintained drainage rights of way, or within an area that may cause damage to such areas.

Sec. 6. Fires shall be prohibited as follows.

The following fires are prohibited:

(A) The following materials shall not be burned: any hazardous or toxic substance, asphalt and asphaltic materials, paint, plastics, metals, treated wood, petroleum products, demolition debris, dead animals, construction debris, household chemicals, household garbage, tires, and trade wastes.

(B) Open burning for the purpose of land clearing and right-of-way maintenance, except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Forestry Commission.

(C) Open burning for the purpose of land clearing, and right-of-way maintenance shall be prohibited during the months of May, June, July, August, and September with the exception of those parcels zoned General Development, except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4.

Sec. 7. Exemptions.

The following exemptions shall apply:

(A) This article does not apply to vegetative debris burning related to forestry, wildlife and agricultural burns, as authorized by the state forestry commission.

(B) This article is not meant to restrict open burning in the connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions or human warmth that are done in a safe manner.

(C) This article does not apply to the burning of vegetative debris or land clearing debris on site by a licensed contractor during new construction of a home or other building, except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4.

(D) For fires set for the purpose of training public fire fighting 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 fire fighting personnel. These will be exempt only if the drills are solely for the purposes of fire fighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval by DHEC is required for both permanently established training sites and temporary sites.

(E) Open burning for the purpose of land clearing, and right-of-way maintenance shall be prohibited during the months of May, June, July, August, and September with the exception of those parcels zoned General Development, except as specified by DHEC Air Quality Regulations 61-62.2 and 61-62.4.

Sec. 8. Authorization of Burning Bans.

Conditions for authorizing burning bans shall be as follows:

(A) County Fire Officials shall by majority vote prohibit open burning when atmospheric conditions, local circumstances, or other conditions exist that would make such fires hazardous.

(B) County Fire Officials shall be made up of: the Fire Marshal, the Chairman of the Fire Committee, and the Chairman of the Fire Chiefs Association.

Sec. 9. Civil and criminal liability.

The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

Sec. 10. Conflicts of article with state law.

If any conflict arises between the provisions of this article and any state law, the provisions of state law shall prevail and be controlling.

Sec. 11. Penalty for violation of article.

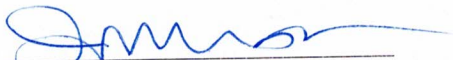
Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment in accordance with Section 7 of the Marlboro County Ordinance No. 406.

Sec. 12. Enforcement.

The County Fire Marshal or his authorized representatives have ticketing authority to provide necessary enforcement of these provisions.

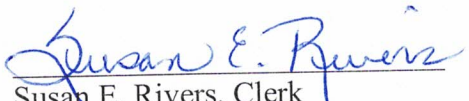
Adopted this 14th day of June, 2011.

(SEAL)



J. Ronald Munnerlyn, Chairman
Marlboro County Council

Attest:



Susan E. Rivers, Clerk
Marlboro County Council

First Reading:	April 12, 2011
Second Reading:	May 23, 2011
Third Reading:	June 14, 2011