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Ordinance No. _____

**“An Ordinance to Amend Ordinance No. 07-03 to
Regulate Open Burning in the
Town of Pendleton”**

WHEREAS, the Town Council of the Town of Pendleton, to protect the health, safety and welfare of its citizens, does hereby prohibit open burning of garbage, waste or any hazardous substance within the Town of Pendleton.

It shall be unlawful for any person to start, or cause to be started, an open fire to burn woodlands, brush, grass, leaves or other woodland debris, except as follows:

- A) A Controlled Burn permit may be issued by the Town of Pendleton Code Enforcement Officer, or designee, for the purpose of disposing of debris resulting from clearing land. Subject to the following conditions:
1. The property being cleared must be 6 acres or more.
 2. The material to be burned must be placed in a pit at least 4 feet in depth.
 3. The location of the land clearing burning must be a sufficient distance but not less than 1000 feet from public roadways and all residential, commercial and industrial sites not a part of the contiguous property on which the burning is conducted.
 4. Winds during the time of the burning must be away from any area in which the ambient air may be significantly affected by smoke from the burning if that area contains a public



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roadway or a residential, commercial, or industrial site.

5. The material to be burned must have been generated onsite and not moved to the site from another location.
6. The amount of dirt on the material being burned must be minimized.
7. No heavy oils, asphalt materials, items containing natural or synthetic rubber, or any materials other than plant growth may be burned.
8. The initial burning must be started only between the hours of 9:00 AM and 3:00 PM and no combustible material may be added to the fire between 3:00 PM of one day and 9:00 AM the following day. No burning will be permitted on Saturday or Sunday.
9. No more than one 30'x 30' pile or equivalent may be burned within a six-acres area at one time.
10. All salvageable timber and pulpwood must have been removed.
11. The burn must be constantly attended by an adult and have adequate personnel, tools and water available to control the fire.
12. All burns shall be completely extinguished by dark.
13. Any such burning activities must comply with SC DHEC Regulation 61-62.2, as amended.
14. A sketch of the burn shall be provided by the applicant and shall accompany the permit. It shall include the location on the site and burn location within the site, nearest road intersection(s) and distance to/placement of nearest off-site structures including a map



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showing distances to residences, population areas, roadways, air fields and other pertinent landmarks.

15. Proof of liability insurance shall be submitted and accompany application.
16. At any time, the town may request the Fire Department to extinguish the fire.
17. A permit fee of \$500 per day shall have been paid to the Town of Pendleton prior to the issuance of this permit.

- B) Fires set for the purposes of training firefighting personnel will be permitted solely for the purposes of firefighting training. The duration of the burning is to be held to the minimum required for such purposes. Prior approval by the Mayor is required for any site which is not an established training site.
- C) No burning permit shall be issued and no burning shall be carried out during any period which the Governor or other authorized official has declared that an emergency exists in connection with open burning. The Code Enforcement Officer or his designee may deny or rescind a permit for any valid reason.
- D) This section shall not prohibit cooking fires built in fireplaces, grills or barbecue pits which shall be kept under competent and continuous supervision.
- E) This section shall not prohibit small open fires for recreational purposes, such as in reasonably sized fire pits, provided no violation of nuisance is created.



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F) This section shall not prohibit the issuing of permits for bonfires as part of special events under such terms and conditions as provided by the Town.

G) Any person violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than \$200 nor more than \$500 or imprisoned for not less than ten days nor more than thirty days. For any second or subsequent offense, a fine not less than \$300 nor more than \$600 or imprisonment for not more than six months may be imposed in the discretion of the court. "Subsequent offense", as used in this section, shall mean an offense committed within ten years of a previous offense.

INTRODUCED AND READ in Council duly assembled the _____ day of _____, 2_____.

ENACTED AND ORDAINED into an Ordinance at second and final reading the _____ day of _____, 2_____.

MAYOR: _____

COUNCIL:

WARD 1: _____

WARD 2: _____

WARD 3: _____

WARD 4: _____