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YADKIN COUNTY, NC
KAREN H. WAGONER
REGISTER OF DEEDS

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START PAGE	0391
END PAGE	0393
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YADKIN COUNTY
ORDINANCE REGULATING OPEN BURNING

WHEREAS, the North Carolina General Assembly, pursuant to N.C.G.S. § 153A-121 a county may by ordinance define, regulate, prohibit, or abate acts, omissions, or conditions detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the county;

WHEREAS, at certain times of the year, due to dry weather conditions, it is for the benefit, safety and welfare of the citizens of Yadkin County that setting and burning of open fires be banned within 100 feet of a structure.

WHERAS, in furtherance of the public's health, safety and welfare it is necessary to regulate open burning in Yadkin County.

NOW THEREFORE, BE IT ORDAINED, by the Yadkin County Board of Commissioners:

ARTICLE 1. Purpose and Authority.

Section 1. In conjunction with the North Carolina Forest Service burning ban the Yadkin County Fire Marshal's Office shall issue a burning ban of all-open burning within 100 feet of a structure and all fires shall be extinguished immediately.

Exception: Cooking is allowed using a fully enclosed grill or outdoor cooker and someone must keep watch over it at all times. Fire rings and open grills are not considered fully enclosed grills.

Section 2. A burning ban on outdoor burning within 100 feet of a structure may be issued by the Yadkin County Fire Marshal's Office in the event of hazardous forest fire conditions or air pollution episodes.

Section 3. Local conditions that may warrant a burning ban include, but are not limited to;

1. Flammable and/or combustible liquid spills or leaks close to a burning site.
2. A hazardous materials incident where the proximity of the burn site could cause a possible ignition source or prove hazardous to operations controlling the incident.
3. The proximity of adjacent structures or other such hazards.

Section 4. Cancellation of Burning Ban

1. The Fire Marshal shall cancel the burning ban in conjunction with the NC Forest Service burning ban cancellation.

2. The Fire Marshal shall cancel the burning ban issued under Section 2 and Section 3 once the event, episode, hazard or emergency no longer exists.

Section 5. Illegal fires, nuisance burning, and fires when burning bans are in effect or all other fires that falls under this ordinance, the North Carolina State Building Code Fire Code and any applicable State regulations shall be extinguished immediately.

Nuisance Burning – If any time during a burn, the smoke and/or odors create a neighborhood nuisance, causes physical irritation exacerbating a documented medical condition, visibility impairment, evidence of soot or ash on property or structure other than the property on which the burning is done, the smoke and odors do not rise, hangs close to the ground, or crosses a street or highway and causes a hazard.

ARTICLE 2. Extinguishment of Fires

Section 1. The Fire Marshal or authorized representative has the authority to order the extinguishment or to extinguish any fire that violates this ordinance.

Section 2. The responding fire department fire chief or officer in charge has the authority to order the extinguishment or to extinguish any fire that violates this ordinance.

Section 3. The Sheriff of Yadkin County has the authority to order the extinguishment of any fire that violates this ordinance.

ARTICLE 3. Obstruction of Operations

No person shall obstruct the extinguishment of any fire that violates this ordinance when burning bans are in effect or disobey any lawful command of the Fire Marshal or authorized representative, fire chief or officer in charge or the Sheriff of Yadkin County.

ARTICLE 4. Enforcement and Penalties

Section 1. Violation

It shall be unlawful for any person to violate or fail to comply with any of the provisions of this Ordinance. Each violation shall constitute a separate offense.

Section 2. Penalties

Enforcement may be by any one (1) or a combination of the following methods and the institution of an action under these methods shall not relieve any party from any other criminal or civil proceeding prescribed for violations:

A. Warning Citation:
A warning citation may be issued for first offense.

B. Criminal Offense:
A violation of this Ordinance shall constitute a misdemeanor offense as provided by N.C.G.S. § 14-4.

C. Civil Penalty:
Any act constituting a violation shall subject the offender to a civil penalty in amount of $50.00 The civil penalty must be paid within the 30 days from the issuance of the citation. Failure to pay the penalty in the prescribed time shall subject the offender to a civil action in the nature of debt for the stated penalty together with the cost of the action to be taxed by the court.

Section 3. Enforcement

The criminal or civil proceeding shall be enforced by the Fire Marshal or authorized representative or the Sheriff of Yadkin County.

NOW, THEREFORE, be it resolved that the Board of Commissioners of Yadkin County hereby adopt the Ordinance Regulating Open Burning.

Adopted on 12-3-07

Kimberly Clark Phillips
_____, Chairman
Yadkin County Board of Commissioners

Attest:
Gina H. Brown
_____, Clerk to the Board

SEAL