

## **ORDINANCE NO. 2618**

### **AN ORDINANCE REGULATING OPEN BURNING AND REFUSE BURNING IN THE CITY OF SUMTER, SOUTH CAROLINA**

**Section 1. Purpose.** This ordinance 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 the City of Sumter, South Carolina (the "City"), due to the air pollution and fire hazards of open burning and refuse burning.

**Section 2. Applicability.** This ordinance applies to all open burning and refuse burning within the City, except as follows:

- a. This ordinance does not apply to grilling or cooking using charcoal, wood, propane, or natural gas in cooking or grilling appliances.
- b. This ordinance does not apply to agricultural burning or to burning of vegetative debris related to forestry or wildlife management as authorized by the state forestry commission.
- c. This ordinance does not apply to burning in a stove, furnace, fireplace, or other heating device within a building used for human or animal habitation unless the material being burned includes refuse.
- d. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline, or kerosene in a device intended for heating, construction, or maintenance activities, or to burning of clean construction debris 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.
- e. This ordinance does not apply to campfires.

**Section 3. Severability.** Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

**Section 4. Definitions.**

- a. "Agricultural burning" means 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.
- b. "Campfire" means 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.

- c. "Clean wood" means 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.
- d. "Fire Chief" means the Chief of the Sumter Fire Department or his designee.
- e. "Open Burning" means 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.
- f. "Refuse" means any waste material except clean wood.

**Section 5. General Prohibition on Open Burning and Refuse Burning.** Open burning and refuse burning are prohibited in the City unless the burning is specifically permitted by this ordinance.

**Section 6. Materials That May Not Be Burned.** 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 Ordinance, the following materials may not be burned in the City:

- a. 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.
- b. Waste oil or other oily wastes.
- c. Asphalt and products containing asphalt.
- d. 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.
- e. Any plastic material including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films, and plastic containers.

- f. Rubber including tires and synthetic rubber-like products.
- g. Construction materials (except as exempted by Section 2 hereof).
- h. Animal waste.
- i. Abandoned, vacant, or dilapidated structures.

**Section 7. Open Burning of Clean Wood, Leaves, Weeds, Brush, Stumps, and Other Vegetative Debris.** Open burning of clean wood, leaves, weeds, brush, stumps, and other vegetative debris is allowed only in accordance with the following provisions:

- a. 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.
- b. 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.
- c. Open burning of any material other than clean wood shall be conducted only on the property on which the materials were generated.
- d. Open burning of any material other than clean wood under this section shall be conducted only following issuance of and in accordance with a permit issued under Section 9 of this ordinance.
- e. Open burning under this section shall be conducted only at a location at least 100 feet from the nearest structure which is not on the same property.
- f. Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age 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.
- g. No materials may be burned upon any street, curb, gutter, or sidewalk.

**Section 8. Fire Department Practice Burns.** Notwithstanding the provision of this ordinance, the Sumter Fire Department may burn a standing building if necessary for firefighting practice and if the practice burn complies with all applicable laws and regulations of the State of South Carolina.

**Section 9. Burning Permits.** No person shall start or maintain any open burning (except as exempted by Section 2 hereof) without a burning permit issued by the Fire Chief.

- a. Any person responsible for burning leaves, weeds, brush, stumps, and other vegetative debris under Section 7 of this ordinance shall obtain a burning permit for each burn occurrence before starting the fire. There shall be no charge for the issuance of a permit.
- b. When weather conditions warrant, the Fire Chief may declare a burning moratorium on all open burning and temporarily suspend previously issued burning permits for open burning.
- c. A burning permit issued under this section shall require compliance with all applicable provisions of this ordinance and any additional special restrictions deemed necessary to protect public health and safety.
- d. Any violation of the conditions of a burning permit shall be deemed a violation of this ordinance. Any violation of this ordinance or the burning permit shall void the permit.

**Section 10. Liability.** A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

**Section 11. Right of entry and inspection; right to extinguish.** The Fire Chief or any authorized officer, agent, employee or representative of the City who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance. Upon receipt of any valid nuisance complaint relating to open burning, the Sumter Fire Department will respond and order the immediate extinguishment of the fire, without exceptions.

**Section 12. Enforcement and penalties.** The Fire Chief is authorized to enforce the provisions of this ordinance. The penalty for violation of any portion of this ordinance shall be a fine of not less than **\$25** or more than **\$250** plus the cost of prosecution. Penalties are doubled for second and subsequent offenses.

**ADOPTED THIS 2<sup>ND</sup> DAY OF OCTOBER 2018, BY SUMTER CITY COUNCIL**

**CITY OF SUMTER, SOUTH CAROLINA**

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Joseph T. McElveen, Jr., Mayor

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Thomas J. Lowery, Mayor Pro Tem

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Robert A. Galiano, Jr., Councilman

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Ione J. Dwyer, Councilwoman

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Calvin K. Hastie, Sr., Councilman

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David P. Merchant, Councilman

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Steven H. Corley, Councilman

ATTEST:

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Linda D. Hammett, City Clerk

First Reading: September 4, 2018

Second/Final Reading: October 2, 2018