

AN ORDINANCE AMENDING THE FIRE CODE OF THE CITY

City Council of the City of Thomasville

The City Council finds that the following subsections of Chapter 38 - Fire Prevention and Protection, Article II. - Fire Prevention Code should be added to the City of Thomasville Code of Ordinances as follows:

Sec. 38-34 Open Burning

- a) No person shall burn or cause to be burned any trash, refuse, shavings, paper, leaves, litter or other material of any kind outside any house, business, structure, on or in any street, sidewalk, alley, lot or yard within the primary fire limit.

Sec. 38-35 Recreational fires:

- a) Recreational fires are defined by the North Carolina Fire Prevention Code as fires three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Recreational fires are NOT considered open burning and do not require an open burning operational permit.
- b) Recreational fires shall be at least 25 feet from a structure or combustible material.
- c) Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- d) Shall not be used to burn rubbish, yard waste, or burn material contained in an incinerator.
- e) Outdoor fireplaces, barbecue grills, barbecue pits, or bonfires are not considered recreational fires.

Sec. 38-36 Land Clearing (permit required)

- a) Open burning by any property owner or their representative for the use of land clearing and debris removal is prohibited. This includes trees, limbs, stumps, construction material and other similar debris.
 - a. Exception:
 - i. The fire code official may approve open burning for the purpose of land clearing on undeveloped tracts of land in circumstances where it is impractical for the debris to be hauled from the site. This provision shall be limited to areas in the corporate limits of the city that are undeveloped; and where it is determined that such activity will not endanger life, property, or pose an undue nuisance. The open burning shall be limited in scope to land clearing and debris

removal. Before burning begins, a permit shall be obtained from the fire department.

- ii. NC Fire Code 307.3 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.

Sec. 38-37 Nuisance Declared

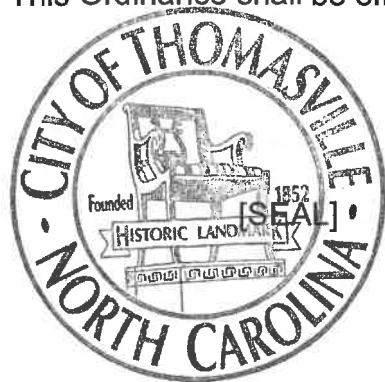
- a) It shall be unlawful for any person to intentionally or knowingly burn or cause to be burned, any rubbish, trash, waste, leaves, grass, lumber or any other combustible materials in the City. This shall include on any lot or parcel of land and to allow or permit such fire to spread onto any public street, alley, place or premises owned or occupied by another, or to permit or allow the smoke or fumes from such burning to spread onto the property of another in such a manner so as to constitute a nuisance.

Sec. 38-38 Penalties for Violation of the Ordinance

- a) Any person, firm or corporation who violates any provision of this Ordinance could be guilty of a misdemeanor and upon conviction thereof could be punished by a fine of not less than \$100.00 nor more than \$500.00. A separate offense shall be deemed committed each day or portion of a day during or on which the violation continues or otherwise occurs.

Upon the motion of Council Member Thrift and a second by Council Member Shelton, the foregoing ordinance was passed upon its first reading by a vote of 7 - 0.

This Ordinance shall be effective October 18, 2021.



CITY OF THOMASVILLE

By: Raleigh York, Jr.
Raleigh York, Jr., Mayor

Attest: Wendy S. Martin
Wendy S. Martin, City Clerk