

ORDINANCE NO. 160

CITY OF TEGA CAY, SOUTH CAROLINA

AN ORDINANCE TO SET REGULATIONS FOR THE BURNING OF ANY CELLULOSE MATERIAL DURING THE PROCESS OF CLEARING LAND PURSUANT TO SOUTH CAROLINA DEPARTMENT OF HEALTH AND ENVIRONMENTAL CONTROL (DHEC) AIR POLLUTION CONTROL REGULATION NO. 61-62.2. THIS ORDINANCE SHALL APPLY TO ALL PHASED DEVELOPMENTS, THAT IS, TO ALL NEW SUBDIVISIONS WHERE THE OWNER, DEVELOPER OR SUBDIVIDER HAS ENTERED INTO AN AGREEMENT WITH THE CITY OF TEGA CAY AND THE FIRE CHIEF HAS ISSUED A PERMIT TO BURN LAND CLEARING DEBRIS.

The following regulations shall be observed during the burning process:

- (a) All burn sites must be under direct supervision at all times by an individual who has direct voice communication with the contractor and the Police Department.
- (b) No files will be initiated before 9:00 a.m.
- (c) No combustible material may be added to the fire after 3:00 p.m.
- (d) No more than two (2) piles 30' x 30' or equivalent may be burned within a six (6) acre area at one time.
- (e) Location of the burn sites must be more than 1,000 feet from any public, or private roads that have been continuously used by the general public, or any public or private building.
- (f) For land clearing, all salvageable timber and pulpwood must be removed for processing.
- (g) No heavy oils, asphalt materials, natural or synthetic rubber, or any materials other than plant growth may be burned.
- (h) Burning can only be accomplished Monday through Thursday. No files may be started after 3:00 p.m. on Wednesdays.

- (i) The prevailing winds during the burning must be away from highly populated areas. The contractor will consult with the Fire Chief or Zoning Administrator prior to initiating any burn. The Fire Chief or Zoning Administrator will base his/her decision on the City of Tega Cay computer modeling program located at the Police Station
- (j) Should changes in prevailing winds cause significant degradation in air quality over highly populated areas for more than sixty minutes at any point in the burn, the Fire Chief or Zoning Administrator may order that no additional material may be added to the burn piles(s) up to and including that the fires be forcibly put out.
- (k) If you burn in a pit, the fire must be slowly fed at night to keep the debris hot.
- (l) No burning shall be commenced, and if already commenced shall be extinguished, no later than twenty-four hours prior to notice by the National Hurricane Center of a hurricane within 250 miles of the City.
- (m) No burning shall be in process after notification of a tornado watch or any other extreme weather condition in the area. The Tega Cay Police Department will notify the Zoning Administrator and/or the Fire Chief.
- (n) Each burn shall be posted with the name and telephone number, including emergency telephone number, of the party responsible for the burning.
- (o) The burning may be shut down at anytime due to extremely poor air quality in the Charlotte Metropolitan Statistical Area.

The enforcement authority for this Ordinance shall be the Tega Cay Fire Chief and/or the Zoning Administrator. Except in cases of emergency, no court action shall be started to enforce this Ordinance until an effort is made to inform the apparent violator of the violation and the steps necessary to comply with this Ordinance, and an effort has been made to obtain voluntary compliance. This notification may be written or verbal.

Upon failure within three (3) hours to correct the violation, the Fire Chief and/or the Zoning Administrator shall issue documentation charging the violator and summoning his appearance in court. The Tega Cay Volunteer Fire Department will extinguish the fires.

If found guilty in court, any person, firm, or corporation violating any provision of this Ordinance shall be fined the maximum allowed by South Carolina state laws not less than fifty (50) dollars nor more than Five hundred (500) dollars for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Done in Council meeting at which time a quorum of the members are present.

FIRST READING: February 15, 1999

SECOND READING: _____

Mayor Stephen M. Hamilton

Mayor Pro Tempore Michael Horan

Councilman James "Buster" Millwood

Councilwoman Mary Lewis

Councilman Andrew M. Bregman

ATTEST:

JEAN C. VARNER, City Administrator

OPEN BURNING IS PROHIBITED EXCEPT AS PROVIDED BELOW:

- A. Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises.
- B. Open burning in connection with the preparation of food for immediate consumption.
- C. Campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth.
- D. Fires purposely set to forest lands for specific management practices in accordance with guidelines acceptable to the Department and as administered by the South Carolina Forestry Commission. Such practices shall include:
 - 1. Prescribed burning under existing standards for various management objectives; and,
 - 2. Site preparation burning for purposes of clearing an area for regeneration.
- E. Fires purposely set for agricultural control of diseases, weeds, pests, and for other specific agricultural purposes in accordance with practices acceptable to the Department of Health and Environmental Control.
- F. Open burning of trees, brush, grass and other vegetable matter for game management purposes in accordance with practices acceptable to the Department of Health and Environmental Control.
- G. Open burning in areas other than predominantly residential for the purpose of land clearing or right-of-way maintenance. This will be exempt only if the following minimum conditions are followed:
 - 1. The location of the open burning must be 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.
 - 2. 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 roadway or a residential, commercial, or industrial site.
 - 3. The amount of dirt on the material being burned must be minimized.
 - 4. No heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other than plant growth may be burned.
 - 5. The initial burning must be started only between the hours of 9:00 AM and 3:00 PM; no combustible material may be added to the fire between 3:00 PM of one day and 9:00 AM of the following day.
 - 6. No more than two piles 30' x 30' or equivalent may be burned with a six-acre area at one time.
 - 7. In the case of land clearing, all salvageable timber and pulpwood must be removed.
- H. Fires set for the purposes 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 purpose of fire-fighting training and the duration of the burning is held to the minimum required for such purposes. Prior approval is required only for sites which are not established training sites.
- I. Open burning of household trash on the premises of and originating from private residences where services for the disposal of such materials are not available. The location of such burning must be at least 500 feet from any inhabited building.
- J. Open burning on the property where it occurs of construction waste from building and construction operations will be exempt only if the following conditions are met:
 - 1. The location of the burning is at least five hundred (500) feet from any occupied structure other than a dwelling or structure located on the property on which the burning is conducted;
 - 2. Heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any other trade wastes which produce smoke in excess of forty (40) percent opacity are not burned; and,
 - 3. The burning is conducted only between the hours of 9:00 AM and 3:00 PM.
- K. Open burning in remote or specified areas:
 - 1. Of trade waste provided the burning is conducted in accordance with Paragraph G of this regulation. Such burning must be of a non-recurring nature.
 - 2. For non-recurring unusual circumstances.
 - 3. For experimental burning for purposes of data gathering and research.However, prior approval for these types of burning (in subparagraph K) must be obtained from the Department.

Open burning may be conducted in certain situations if no undesirable levels are or will be created. The authority to conduct open burning under this Regulation does not exempt or excuse the person responsible for the burning from the consequences of or the damage or injuries resulting from the burning and does not exempt or excuse anyone from complying with other applicable laws and with ordinances, regulations, and orders of governmental entities having jurisdiction, even though the burning is otherwise conducted in compliance with this Regulation.

The Department reserves the right to impose other or different restrictions and exemptions on open burning in addition to those enumerated above, whenever in the judgement of the Department such is necessary to realize the purpose of this Regulation.

A written report or warning to a person of a violation at one site shall be considered adequate notice of the Regulation and subsequent observed violations will result in appropriate legal action.

Note: Open burning is defined by South Carolina Air Pollution Control Regulation 62.1, Section I as "Any fire or smoke-producing process which is not conducted in any boiler plant, furnace, high temperature processing unit, incinerator or flare, or in any other equipment primarily designed for the combustion of fuel or waste material."