

Sec. 41.01

REFUSE. Refuse means trash, such as useless, unused, unwanted or discarded materials resulting from natural home or community activities (including but not limited to leaves, yard sweepings, limbs, or other lawn or garden debris) as well as tin cans, dirty rags, house sweepings, papers, paper boxes and other rubbish.

Sec. 41.03. OPEN BURNING PROHIBITED GENERALLY.

(A) No person shall cause, suffer, allow or permit open burning of refuse or other combustible material within the corporate limits of the town or within one (1) mile thereof, except as may be allowed in subsection (B) and all applicable regulations of the State of North Carolina, specifically including those set forth by the North Carolina Department of Environmental Quality and the Regional Air Quality District.

(B) Permissible Open Burning

(i) Between the corporate limits of the Town and one mile therefrom, limbs, leaves, grass, brush and other vegetable matter may be burned under the following conditions:

1) The location of the burning must be at least 1,000 feet from any dwelling other than a dwelling or structure located on the property on which the burning is conducted;

2) Prevailing winds at the time of burning must be away from any town or built-up area, the ambient air of which may be significantly affected by smoke, fly-ash, or other air contaminants from the burning;

3) The amount of dirt on the material being burned must be minimized;

4) Heavy oils, asphaltic materials, items containing natural or synthetic rubber or any materials other than plant growth may not be burned;

5) Initial burning may generally be commenced only between the hours of 9:00 a.m. and 3:00 p.m., and no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. of the following day. At no time during the burning operation shall the property owner fail to have the fire tended or guarded.

(ii) Between the corporate limits of the Town and one mile therefrom, fire department agencies may, for training purposes, conduct controlled burns of structures. Prior to any such controlled burn, the fire department shall submit a written request to perform a controlled burn to the Town Administrator for approval. Such request shall include a copy of the approval for such controlled burn by the State of North Carolina. The fire department shall

provide written notice of the controlled burn to owners of property adjoining the site of the controlled burn at least seven (7) days prior to the date of the controlled burn.

The authority to conduct open burning under the provision of this section does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations, and orders of other governmental entities having jurisdiction even though the open burning is conducted in compliance with this section.