

AN ORDINANCE

An Ordinance repealing section 11-9 of Code of Ordinances for the City of North Myrtle Beach in its entirety, and replacing it as follows:

11-9 Open Burning

Section 1: Applicability

The provisions of this ordinance are applicable to all areas located within the corporate limits of the City of North Myrtle Beach.

Section 2: Definitions

“Open Burning” means the intentional setting of a fire outside of a structure.

Section 3: Prohibition Of Open Burning

Open burning is prohibited except as provided as follows.

(1) Fires set for the cooking of food for human consumption if:

- (a) contained within a device designed for the purposes of cooking food over open flame,
- (b) kept from beneath or under, and a minimum of 10-feet away from any multi-family or commercial building, and
- (d) if the cooking fire is constantly attended until extinguished.

(2) Fires set for recreational purposes if:

- (a) contained within a device designed for the purpose of containing recreational fires to include: portable fire places, chimeras, grills, woodstoves, etc.,
- (b) kept 20-feet from any structure or vegetation,
- (c) kept in areas designated for the purpose of recreational fires,
- (d) only non-treated lumber, clean wood or vegetative matter is burned, and
- (e) if the recreational fire is constantly attended until extinguished.

- (3) Fires set for the training of firefighters if conducted within the boundaries of a recognized and designated fire training facility designed to conduct live burns.
- (4) Fires set for the purpose of backfiring to contain previously ignited wildfires if performed by the organization responsible for fighting and containing the wildfire.
- (5) Fires set for the disposal of debris as a result of an officially declared emergency or disaster if:
 - (a) delivered to the area or location designated for such open burning.
 - (b) DHEC has approved the open burning.
 - (c) burning is only conducted when safe to do so
 - (d) burning is conducted only when the wind direction and weather conditions will carry the smoke up and away from populated areas, or any school, medical facility or nursing home.
 - (e) adequate personnel and heavy equipment are on site to monitor and control the fire.
 - (f) adequate fire service access and fire lanes are provided in the event they should be needed.
 - (g) a water supply is available in the area.
 - (h) the use of accelerants (oil, tires, diesel fuel or any petroleum product) is strictly prohibited.

Section 4. Penalties

Violation of this section shall be punishable pursuant to the general penalty provision, section 1-6.

Section 5. Miscellaneous

Nothing in this Ordinance shall be construed as to prevent the Department of Natural Resources (DNR) or the SC Forestry Commission from enforcing any statute or adopted regulation pursuant to their authority.

DONE, RATIFIED AND PASSED THIS ____ DAY OF AUGUST, 2009