



CITY OF ARCHDALE

CITY COUNCIL

MEETING DATE: Tuesday January 25, 2022

SUBJECT: Text Amendment to the Code of Ordinances; Chapter 9, Article V, Section 50 (Outdoor Burning)

RECOMMENDATIONS OR COMMENTS: The following is a potential text amendment (revision) to the Outdoor Burning ordinance in the City of Archdale's Code of Ordinances. This revision was brought to Planning staff's attention in the fall of 2021 due to the increased usage of personal fire pits. Staff felt it was necessary to clarify and expound on legality of personal fire pits and fire barrels. This revision would greatly help all agencies, such as the Archdale Police Department and the Guil-Rand Fire Department, that need to enforce the ordinance.

SUMMARY OF INFORMATION: Existing Ordinance and Proposed Code of Ordinances Amendment

ATTACHMENTS: YES NO

Sec. 9-50. Outdoor Burning Regulated

- (a) It shall be unlawful for any person to burn household garbage, trash, refuse, construction and demolition debris or yard waste of any kind.
- (b) It shall be unlawful for any person or firm engaged in clearing, grubbing, and grading operations to burn stumps, or other refuse as a result of those operations.
- (c) Bona fide farms, outdoor grills and barbecues, contained fires for heat, fires purposely set by manufacturers of fire extinguishing materials or equipment testing labs, and fires purposely set for the instruction and training of fire-fighting personnel are exempt from this ordinance.
- (d) Any person violating this article shall, upon conviction, be punished as provided by NCGS 14-4 for violation of a municipal ordinance or under other state and federal laws as they may apply.

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- (b) It shall be unlawful for any person or firm engaged in clearing, grubbing, and grading operations to burn stumps, or other refuse as a result of those operations.
- (c) The following are exempt from this ordinance:
 - (1) Bona fide farms
 - (2) Outdoor grills and barbecues
 - (3) Contained fires for heat, including campfires, that are held in a fire pit constructed with steel, brick, and/or masonry. Fire pits (or fire barrels) need to be smaller than 6 feet in diameter (measured from the edges of the pit).
 - (4) Fires purposely set by manufacturers of fire extinguishing materials or equipment testing labs, and
 - (5) Fires purposely set for the instruction and training of firefighting

All the above exempt provisions need to be attended to as stated in Section 307.5 of the North Carolina Fire Code. The fire must be constantly attended until extinguished. A minimum of 1 portable fire extinguisher or otherwise approved equipment, such as dirt, sand, water barrels, or garden hoses shall be made available for immediate utilization.

- (d) Per Section 307.3 of the North Carolina Fire Code, when open burning creates or adds to a hazardous situation, the fire code official is authorized to order the extinguishment of the open burning operation.
- (d) Any person violating this article shall, upon conviction, be punished as provided by NCGS 14-4 for violation of a municipal ordinance or under other state and federal laws as they may apply.