

Sec. 12-12. - Open burning and outdoor burning.

- (a) Purpose. This section is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the City of Gaffney South Carolina, by regulating the air pollution and fire hazards of open burning and outdoor burning.
- (b) Applicability. This section applies to all outdoor burning and open burning within the City of Gaffney:
- (1) This section does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
  - (2) This section does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
  - (3) This section does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.
  - (4) This section does not restrict the use of a patio wood-burning unit when used for recreational use and burning clean wood. This exemption does not apply to bonfires and/or fire barrels.
- (c) Severability. Should any portion of this section be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall remain in full force and effect.
- (d) Definitions.
- (1) "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
  - (2) "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
  - (3) "Construction and demolition waste" means building waste materials, including but not limited to, waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
  - (4) "Fire chief" means the Chief of the Gaffney Fire Department.
  - (5) "Municipality" means the City of Gaffney.
  - (6) "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.
  - (7) "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. Open burning includes burning in a burn barrel.
  - (8) "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

- (9) "Patio wood-burning unit" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
  - (10) "Refuse" means cold ashes, cans, dirty rags, trash, house sweepings, paper materials, bottles, and other similar materials.
  - (11) "Trash" means rubbish, useless or unwanted waste or rejected matter.
- (e) General prohibition on outdoor burning and open burning. Open burning and outdoor burning are prohibited in the City of Gaffney, South Carolina unless the burning is specifically permitted by this section.
  - (f) Open burning of refuse or trash. Open burning of refuse or trash is prohibited.
  - (g) Burning trees, logs, brush, stumps, leaves, and grass clippings. Open burning of trees, logs, brush, stumps, leaves, and grass clippings are prohibited.
  - (h) Agricultural burning. Open burning of weeds, brush, and crop stubble on agricultural lands is allowed if conducted in accordance with other applicable provisions of this section and meets all DHEC and forestry regulations.
  - (i) Prescribed burning.
    - (1) "Prescribed burn" means the burning, in compliance with a prescription and to meet planned fire or land management objectives, of a continuous cover of fuels. A "prescription" means a written plan establishing the criteria necessary for starting, controlling, and extinguishing a burn.
    - (2) Fires set for forest, prairie, and wildlife habitat management are allowed only if conducted in accordance with applicable provisions of state and federal law.
  - (j) Outdoor wood-fired boilers. An outdoor wood-fired boiler may be installed and used in the City of Gaffney, South Carolina only in accordance with all of the following provisions:
    - (1) The outdoor wood-fired boiler shall not be used to burn refuse.
    - (2) The outdoor wood-fired boiler shall be located at least 300 feet from the nearest building which is not on the same property as the outdoor wood-fired boiler.
    - (3) The outdoor wood-fired boiler shall have a chimney that extends at least 15 feet above the ground surface. If there are any residences within 500 feet, the chimney shall also extend at least as high above the ground surface as the height of the roofs of all such residences. The fire chief may approve a lesser if necessary to comply with manufacturer's recommendations and if the smoke from the lower chimney height does not create a nuisance for neighbors.
  - (k) Burning permits.
    - (1) The burning of land clearing debris is eligible to burn if they meet the following requirements:
      - a. Meet all DHEC regulations.
      - b. Meet all forestry regulations.
      - c. Determined by the Gaffney Fire Department as safe.

- d. Issued a permit from the fire chief or his designee.
- (2) Burning permit for open burning for community event. Organizations can apply for a permit to burn for a public event that benefits the community or local organization. These permits will be addressed on an individual basis. Safety, nuisance to community, weather, type of open burning, public health, and overall welfare of the community will be used when approval or denial is determined. The fire chief has the final determination if the permit is issued.
- (3) No person shall start or maintain any outdoor burning or open burning covered under this section without a burning permit issued by the Fire Chief of the Gaffney Fire Department or his designee.
- (4) When weather conditions warrant, the fire chief may temporarily suspend issuing burning permits and may temporarily suspend previously issued burning permits for open burning.
- (5) A burning permit issued under this section shall require compliance with all applicable provisions of this section and any additional special restrictions deemed necessary to protect public health and safety.
- (6) Any violation of the conditions of a burning permit shall be deemed a violation of this section. Any violation of this section or the burning permit shall void the permit.
- (l) Right of entry and inspection. The fire chief or any authorized officer, agent, employee or representative of the City of Gaffney who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this section.
- (m) Enforcement and penalties.
  - (1) The fire chief, fire marshal, police officer, and building codes official are authorized to enforce the provisions of this section.
  - (2) Any person, firm, association, partnership, corporation, or entity who violates any of the provisions of this section or fails to comply with a duly authorized Order issued pursuant to this section shall be guilty of a misdemeanor which shall be punishable by a fine not to exceed \$500.00 and/or imprisonment not to exceed 30 days.

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