

AN ORDINANCE

AN ORDINANCE TO REGULATE OUTDOOR BURNING WITHIN ALL PLATTED RESIDENTIAL SUBDIVISIONS OR ALL ZONED AREAS WITH THE EXCEPTION OF THE R-S, RESIDENTIAL SUBURBAN ZONING DISTRICT IN GREENVILLE COUNTY OR WITHIN TWO HUNDRED FEET OF A PLATTED RESIDENTIAL SUBDIVISION OR APPLICABLE ZONED AREA IN GREENVILLE COUNTY; TO PROVIDE FOR ENFORCEMENT THEREOF, AND RELATED MATTERS THERETO.

BE IT ORDAINED by Greenville County Council

Section 1. Definitions. "Platted Residential Subdivision" shall mean a large scale division of a tract or parcel of land into five (5) or more lots for residential purposes, which has been granted final approval by the Greenville County Planning Commission, which has been subsequently recorded, and which is located in the urban jurisdiction area of the subdivision regulations.

Section 2. Prohibition. It shall be unlawful for any person to kindle or maintain any open burning or authorize any such fire to be kindled or maintained within a platted residential subdivision or zoned area, with the exception of the R-S, Residential Suburban Zoning District, in Greenville County or within two hundred feet of a platted residential subdivision or applicable zoned area in Greenville County, except as provided below:

- (A) The burning must be located not less than fifty (50) feet from any structure and adequate provision is made to prevent the fire from spreading within fifty (50) feet of any structure; and
- (B) The burning must be constantly attended by a competent person until such fire is extinguished. Such person shall have a garden hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the State Forester or his duly authorized representative or other persons designated by the State Forester. The notice shall contain all information required by the State Forester or his representative. The burning must be conducted in accordance with all applicable laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and state statute §48-35-10, et seq.; and
- (C) All burnings must be extinguished by 3:00 p.m. and no burnings shall be permitted between 3:00 p.m. one day and 9:00 a.m. of the following day with the exception of fires in connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth and those fires where the time parameters are already regulated by Department of Environmental Control Regulation 61-62-2.

Section 3. Authority to Prohibit Permitted Burnings. The Official charged with the administration and enforcement of this Ordinance may prohibit open burning that is otherwise

authorized by this ordinance when atmospheric conditions, local circumstances or other conditions exist that, in the sole determination of such Official, would make such fires hazardous.

Section 4. County Roads and Drainage Right-of-Ways. Open burning shall be prohibited on all Greenville County roads and drainage right-of-ways or within an area that may cause damage to any Greenville County road or drainage right-of-way.

Section 5. Inapplicability. The provisions of this Ordinance do not apply to the following:

- (A) Vegetative debris burning related to forestry, wildlife, and agricultural burns authorized by the South Carolina Forestry Commission.
- (B) Any burning in connection with the preparation of food for immediate consumption, or campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth, so long as such burnings are performed in a safe manner.
- (C) 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 purposes 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.

Section 6. Hazardous or Toxic Materials. The burning of hazardous or toxic materials shall not be permitted under any circumstances.

Section 7. Liability. Any burning authorized by the provisions of this ordinance shall not relieve the individual responsible for such burning from any civil or criminal liabilities which may occur as a result of such burning.

Section 8. Severability. Should any section, paragraph, clause, phrase, or provision of this ordinance be adjudged invalid or held unconstitutional by a court of competent jurisdiction, such declaration shall not affect the validity of the ordinance as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

Section 9. Conflicts. In the event any conflict may arise between the provisions of this ordinance and any state law, the provisions of state law shall prevail and be controlling.


Section 10. Penalties. Any person, firm, corporation or agent, who shall violate the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished within the jurisdictional limits of magistrate's court. Each such person, firm, corporation or agent shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, or continued.

Section 11. Administration and Enforcement. The provisions of this ordinance shall be administered and enforced by the Fire Chief, or his/her designated representative, in whose area the burning occurs. In the event such burning occurs in an area that is not the responsibility of any Fire Chief, then, in such event, the provisions of this ordinance shall be administered and enforced by the Greenville County Fire Official.


Section 12. Repeal. Ordinance No. 2990 is hereby repealed.

Section 13. Effective Date. This ordinance shall take effect on the date of its adoption.

DONE IN REGULAR MEETING THIS 19th DAY OF January, 1999.

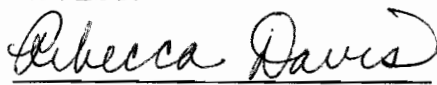


Dozier Brooks, Chairman
Greenville County Council



Gerald Seals
County Administrator

ATTEST:



Rebecca Davis
Clerk to Council