



## 13.0 Open Burning Southern Pines

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### 2018 NC FIRE CODE SECTION 307 OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES

**307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any *open burning* unless conducted and *approved* in accordance with Sections 307.1.1 through 307.5.

**307.1.1 Prohibited open burning.** Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the *fire code official*.

**307.2 Permit required.** A permit shall be obtained from the *fire code official* in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the *owner* of the land upon which the fire is to be kindled.

**307.2.1 Authorization.** Where required by state or local law or regulations, *open burning* shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

**307.3 Extinguishment authority.** Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

**307.4 Location.** The location for *open burning* shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240 mm) of any structure.

**Exceptions:**

1. Fires in *approved* containers that are not less than 15 feet (4572 mm) from a structure.
2. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

**307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

**307.4.2 Recreational fires.** *Recreational fires* shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

**307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

**Exception:** Portable outdoor fireplaces used at one and two-family *dwellings*.

## SOUTHERNPINES TOWN ORDINANCE

### § 95.005 OPEN BURNING.

(A) No person shall burn or cause to be burned outside of a building any materials, including leaves, pinestraw, and other waste material, unless:

- (1) The burning meets all applicable NC Fire Codes and NC Division of Air Quality standards; and
- (2) The purpose of the burning is to eliminate the by-products of land clearing activities; maintaining natural habitat, pest control, ceremonial, firefighter training, cooking/warmth; and
- (3) The fire official in charge at the main fire station approves the burning.

(B) *Exception.* For the use at a 1 or 2 family dwelling, open burning in portable, outdoor fireplaces, chimeras or a fire pit is allowed without a burning permit if done in a container that is wholly constructed of non-combustible material, and meets the following requirements:

- (1) Only natural firewood/commercial logs may be burned.
- (2) All fire containers must be located away from any structure or combustible material.
  - (a) Belowground fire pits and freestanding fireplaces must be located a minimum of 25 feet away from any structure or combustible material.
  - (b) Portable devices must be located a minimum of 15 feet away from any structure or combustible material.
- (3) The fire must be constantly attended and supervised until the fire has been completely extinguished.
- (4) A portable fire extinguisher or other approved extinguishing equipment, such as a garden hose, must be readily available.
- (5) A **FIRE PIT** includes belowground pits, freestanding fireplaces, and portable devices intended to contain and control outdoor fires. All belowground fire pits shall be at least 4 inches in depth and shall be surrounded on the outside, aboveground, by a non-combustible material such as steel, brick, or masonry. The fire pit cannot exceed 3 feet in diameter, nor may the fire pit exceed 2 feet in height. Fire pits may be used in accordance with the manufacturer's specifications and these regulations.
- (6) Note: In all cases the fire official in charge is authorized to order the extinguishment by the responsible person, or the Fire Department, of any burning that creates or adds to a hazardous or objectionable situation.

(1989 Code, § 95.06) (Am. Ord. 511, passed 11-8-1994; Am. Ord. 1516, passed 8-13-2013) Penalty, see § [95.999](#)  
§ 95.006 BONFIRES.

No person shall kindle or maintain any bonfire, knowingly furnish the material for any bonfire, or authorize any bonfire to be kindled or maintained on or in any street, avenue, road, land, public ground, or on any private lot within the limits of the Town, unless permission to do so has first been secured from the firefighter in charge at the main fire station. (1989 Code, § 95.07) [Penalty, see § 95.999](#)