



CONCORD FIRE & LIFE SAFETY

Fire Marshal's Office

Post Office Drawer 308 • Concord, North Carolina 28026-0308

Telephone 704-920-5517 • Fax 704-782-3488

ARTICLE I. IN GENERAL

Sec. 34-4. Open burning.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Open burning means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a chimney, or a permitted air pollution control device.

Pile means a quantity of objects or materials stacked or thrown together in a heap.

Stack means a usually conical shaped pile of debris or material.

(b) *Prohibited acts.* No person shall ignite, cause to be ignited, permit to be ignited, allow or maintain, kindle or maintain within the corporate limits of the city any open burning fire.

(c) *Exceptions.* Exceptions shall include only the following:

(1) Training fires set for the purpose of instruction and training of public and industrial employees in the methods of firefighting. Prior to commencement of open burning, the fire department shall be notified. All open burning for this purpose shall meet the requirements of all state regulations.

(2) Open fires for cooking, heating, religious and ceremonial fires shall be allowed when such fire is not composed, in whole or substantial part, of leaves or yard waste, and the location of such fire, and the items necessary for its containment, comply with the state fire prevention code, and provided that the emission of smoke and fumes do not irritate, annoy or constitute a nuisance to others. Such fires shall be contained in a campfire pit, confined to a container no larger than a 55-gallon drum or other device designed for such use. Fuels for such fires must be naturally cut wood, charcoal, propane or natural gas; no construction materials or building materials shall be permitted.

(3) Bonfires, public or private, shall require a permit and are subject to approval of the fire department. Approval will be granted on the sole discretion of the fire department based upon:

- a. The proximity of the proposed fire to dwellings, trees, woods and other structures.
- b. Facilities available for fire management.
- c. Atmospheric conditions.
- d. Type of material to be burnt: must be naturally cut wood, three inches in diameter or smaller; no construction materials or building materials.
- e. The bonfire shall be no more than five feet by five feet by five feet in dimension and shall burn no longer than three hours.
- f. Any other consideration judged by the fire department to be required to ensure safe burning.

(4) Fires set for the purpose of disposing of waste propellants, explosives or pyrotechnics, including associated contaminated wastes. The fires must be necessary and the waste not able to be disposed of by any other means than burning. No materials shall be imported from off-site for disposal. A permit must be obtained for fires used for this purpose.

(5) On the sole discretion of the fire department when there exists an extreme or emergency circumstance which lacks any other reasonable means of disposing of items which need to be disposed of, and not addressed in this section, the fire department may issue a permit to burn. These fires shall be limited to the disposal of material generated during a natural disaster, such as a tornado, hurricane or flood.

(6) Fires set as part of commercial film or video production activities for motion pictures and television or fires set as part of a planned civic event designed to educate or otherwise benefit the public.

a. The use of fireworks, pyrotechnic or flame effect devices used in conjunction with or to initiate such fires shall meet the following codes and standards:

1. NFPA 106 Standard for Flame Effects Before an Audience.
2. NFPA 1123 Code for Fireworks Display.
3. NFPA 1126 Standard for the use of Pyrotechnics before a Proximate Audience.
4. North Carolina State Building Code Volume V - Fire Prevention chapter 20.

b. Any person seeking to conduct a fire for such reasons shall obtain a permit and submit a plan in writing at least 15 working days prior to the burn to the fire department with the following information:

1. The name of the person, group, or organization responsible for the production;
2. The date and time of the production;
3. The location of the production;
4. The duration of the burn;
5. A narrative description of the burn;
6. A site plan showing the following:
 - i. The location of the audience;
 - ii. The area affected by the burn;
 - iii. Means of egress;
 - iv. Fire protection features and locations.

(d) *Violations and enforcement.*

(1) The fire official shall have the authority to summarily abate any condition that is in violation of this section and that presents an immediate fire hazard to life or property.

(2) Any open burning in violation of this section shall be extinguished by the responsible party or the fire department.

(3) All costs incurred by the city for enforcement of this section will be the responsibility of the party in violation of this section and will be added to the fine.

(4) A civil fine shall be issued to any person or company violating the provisions of this section. The civil fine for residential violations shall be \$50.00 and \$100.00 for any repeat violation. The civil fine for commercial violations of this section shall be \$500.00 per stack or pile and \$1,000.00 per stack or pile for any repeat violation by the same person or company.

(5) Violations of this section shall be a misdemeanor as provided under G.S. 160A-175 and 14-4. Each day's continuing violation shall constitute a separate offense as provided by G.S. 160A-175(g).

(Ord. No. 00-49, § 1, 6-28-2000; Ord. No. 01-16, §§ 2(3)(f), 2(4)(d), 4-12-2001)