



# MEMO

**TO:** Mayor and Town Council  
**FROM:** Luke Fawcett, GIS Administrator  
(Public Safety Committee – Staff Liaison)  
**DATE:** **March 1, 2010**  
**SUBJECT:** MCA 2008-006 Burning of Yard Waste

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## **Project Summary:**

This is a revision to the original request to amend the Indian Trail Code of Ordinance establishing Chapter 93 Open Burning of Yard Debris in the Town of Indian Trail. This revision includes changes to the enforcement aspect of this ordinance.

The Public Safety Committee has prepared the attached draft ordinance regulating open burning of yard debris within the Town. This ordinance prohibits the open burning of yard debris within one hundred feet of any residential structure. This draft also addresses the issue of enforcement, all of which is to now be handled by the town's Code Enforcement Officers.

The Committee also reports that an agreement has been made with all of the applicable Volunteer Fire Departments within the town. Because the VFDs are routinely called out on the scene of any fire-related incident, they have agreed to forward to the town – at their discretion, incidents that they consider to be a violation.

The Committee recommends that this ordinance go into effect starting July 1, 2010. This is to ensure an adequate amount of time be given to the citizens for public education.

## **Committee Recommendation:**

The Public Safety Committee is transmitting a recommendation to approve the draft ordinance as provided. Outstanding issues associated with the ordinance are as follows:



- a. A request to have the Town renegotiate cost for yard debris pick-up with the service provider; and
- b. A request that the ordinance include citation monies collected will be issued to the responding VFD by the Town.

**Council Action:** Receive report and approve as recommended.

Attachment 1 – Draft Ordinance



[www.dfr.state.nc.us/burn\\_permits/burn\\_permits\\_main.htm](http://www.dfr.state.nc.us/burn_permits/burn_permits_main.htm) or call the North Carolina Department of Forest Resources at (919) 857-4801.

- (E) The yard waste must originate on the premises of private residences and is burned on those premises.

**Section 3. Penalties and Remedies**

- (A) Civil Penalties. An Indian Trail Code Enforcement Officer may issue a warning citation for a first offence of this ordinance. A Code Enforcement Officer may issue a civil citation for any subsequent violations of this ordinance, subjecting the violator to a civil penalty of \$200.00 for all second offence and \$300.00 for the third offence and \$500.00 for all subsequent offences. If a person fails to pay the citation within 10 days of issuance, the Town may seek to enforce this ordinance through any appropriate equitable action.
- (B) The Town may seek to enforce this ordinance through any appropriate action.
- (C) Each day that a violation continues after the offender has been notified of the violation shall constitute a separate offense.
- (D) The Town may seek to enforce this ordinance by using any one or a combination of the foregoing remedies.

**Section 4. Effective Date** This ordinance shall be effective starting July 1, 2010.

Adopted this day the 9<sup>th</sup> day of March, 2010.

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John J. Quinn, Mayor

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Peggy Piontek, Town Clerk

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Keith Merritt, Town Attorney