

STATE OF NORTH CAROLINA))
TOWN OF INDIAN TRAIL)

ORDINANCE # 0120814-152

AN ORDINANCE ADDING CHAPTER 93 "FIRE PREVENTION" OF THE CODE OF ORDINANCES OF THE TOWN OF INDIAN TRAIL MCA 2012-001

AN ORDINANCE REGULATING THE OPEN BURNING OF YARD WASTE IN CORPORATE TOWN LIMITS

WHEREAS, the Town Council of the Town of Indian Trail deems it to be in the best interest to protect the health, safety and welfare of the citizens of Indian Trail from fire hazards, air pollution and nuisances associated with the burning of yard waste.

THEREFORE, BE IT ORDAINED by the Town Council as follows:

Section 1. **Definitions** The following words when used in this ordinance shall have the meanings ascribed to them in this section:

- (A) "Open Burning" means the burning of yard waste in such a manner that the products of combustion resulting from the burning are omitted directly into the atmosphere without passing through a chimney or a permitted air pollution control device.
- (B) "Yard Waste" means any grass, weeds leaves, tree trimmings, plants, shrubbery pruning, and such other similar materials which are generated in the maintenance of yards and gardens.

Section 2. **Open Burning of Yard Waste Prohibited**

- (A) In coordination with North Carolina Administrative Code Section .1900, all open burning of yard waste, including leaves, tree branches or yard trimmings is prohibited where a public pickup of yard debris service is provided.

Section 3. **Permissible Open Burning**

- (A) Open Burning for land clearing or right-of-way maintenance if in accordance with all conditions listed within NCAC 02D .1903 (b)(2).
- (B) Camp fires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions, or for human warmth and comfort and which do not create a nuisance and do not use synthetic materials or refuse or salvageable materials for fuel.

Section 4. Penalties and Remedies

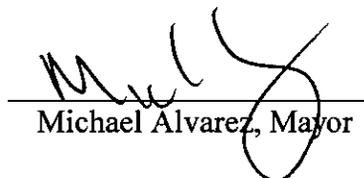
- (A) Civil Penalties. An Indian Trail Code Enforcement Officer may issue a warning citation for a first offence of this ordinance. A Code Enforcement Officer may issue a civil citation for any subsequent violations of this ordinance, subjecting the violator to a civil penalty of \$200.00 for all second 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 5. Effective Date

This ordinance shall be effective starting 9/1, 2012. Adopted this day the 14th day of August 2012.



Peggy Piontek, Town Clerk



Michael Alvarez, Mayor



Keith Merritt, Town Attorney