



§ 56.68 BURNING NEAR RESIDENCES AND THE LIKE PROHIBITED.

(Definition of *BURNING*: Combustion of any item or substance not associated with the internal heating of a home, building or structure, fireplaces, grills or internal combustion engines, or burning which constitutes a nuisance or fire hazard to an adjoining property owner.)

(A) It shall be unlawful for the owner, agent or occupant of any improved or unimproved lot, parcel or tract within a developed residential, commercial or industrial portion of the unincorporated area of the county to burn any item or substance within 500 feet of a residence, occupied building, occupied housing unit, occupied modular home, occupied mobile home, or commercial or industrial building other than that of the owner or occupant of such premises. It shall be unlawful for any person or entity to burn any substance on ozone action days.

(B) *Open burning of waste, debris, and the like at new commercial, industrial, and certain residential sites prohibited.*

(1) *Open burning at certain locations prohibited.* Open burning of waste, debris, trash, stumps, tree branches, construction and demolition waste, land clearing waste and debris and hazardous waste and materials is prohibited at new commercial, industrial and non-residential development sites not otherwise exempt and at certain new residential development sites in the unincorporated area of York County except as provided herein.

(2) *Open burning at new commercial, industrial and certain residential development sites unlawful.* It shall be unlawful for the owner, agent, occupant or contractor of any new commercial, industrial or non-residential lots or tracts not otherwise exempt under this section to burn any waste, debris, trash, stumps, tree branches, construction and demolition waste, land clearing waste and debris, hazardous waste and materials or any other item or substance at the site of any new commercial, industrial or non-residential development not otherwise exempt in the unincorporated area of York County except as provided herein.

(3) *Open burning at certain new residential developments prohibited.* It shall be unlawful for the owner, agent, occupant or contractor of any new residential development in the unincorporated area of the county containing more than five lots or exceeding more than five acres to burn waste, debris, trash, stumps, tree branches, construction and demolition waste, land clearing waste and debris, hazardous waste and materials or any other item or substance at the site of such development in the unincorporated area of York County.

(4) *Restrictions on burning when open burning is permitted.* In accordance with the provisions of this section or applicable law, the initial burning, when permitted, must be started only between the hours of 9:00 a.m. and 3:00 p.m. and no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. of the following day. All permitted burning activity in the unincorporated area of York County must be attended by a competent person who shall remain at the site and continually attend the fire until it is safe to leave the premises.

(5) *Further restrictions on fires at sites where permitted.* The following materials shall not be burned in the unincorporated area of York County: any hazardous or toxic substance, asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, dead animals (except in approved crematoriums), construction debris, household chemicals, household garbage, tires, tire wastes or cardboard, except when and where permitted under this section.

(6) *Regulations on open burning for utility maintenance.* Open burning for the purpose of clearing or maintaining rights-of-way or easements for utilities is prohibited except as specified in DHEC air quality regulations, 61-62.2 and 61-62.4.

(7) *Exceptions to prohibitions against open burning contained in this section.* The prohibitions of open burning contained in this section do not apply to the following exceptions which are specifically excluded from the prohibitions against open burning contained herein:

(a) Open burning of leaves, tree branches or yard trimmings originating on the premises of private residences and burned on those premises;

(b) Open burning in connection with the preparation of food for immediate consumption;

(c) Campfires and fires used solely for recreational purposes, ceremonial occasions or human warmth when conducted in a safe manner;

(d) Prescribed burning of forest lands for specific management practices;

(e) Fires purposely set for agricultural control of diseases, weeds, pests and for other specific agricultural purposes;

(f) Open burning of trees, brush, grass and other vegetable matter for game management purposes.

(8) *Violations; criminal penalties and administrative remedies.*

(a) The violation of any provision of this section shall constitute a misdemeanor. Each day any violation shall continue shall be deemed a separate offense. Any person, firm or corporation, or their respective agents, contractors or employees who violate this section or fail to comply with any of its requirements shall, upon conviction thereof, be fined not more than \$200 or imprisoned for not more than 30 days. The York County fire official or his or her duly authorized agent or representative, any duly appointed and authorized county code enforcement officer or York County may apply to any court of competent jurisdiction for injunctive, declaratory or other appropriate relief to prevent, enjoin, abate or correct any threatened or actual violation of this section. In addition to the criminal penalties imposed under this section, the York County Planning Director, the York County Zoning Administrator or any duly authorized York County official or their respective agents or employees who have issued a permit, license or approval may administratively suspend or revoke any such license, permit or approval issued to the owner, agent, occupant, lessee or contractor with respect to the commercial, industrial, non-residential or residential developer violating the provisions of this section for a period not to exceed 90 days as an administrative remedy after due notice to the affected party. The affected party may appeal any such suspension or revocation to the York County Zoning Board of Appeals by service of a written notice of appeal on the official suspending or revoking the license, permit or approval within ten days after receipt of the notice of such suspension or revocation.

(b) The remedies provided under this section are not exclusive and shall be cumulative to any other remedies provided in this section or at law or in equity.

(c) *Application of section.* This division (B) of § 56.68 shall apply to new commercial, industrial, non-residential and covered residential developments which are permitted or approved after the effective date of this section.

(Ord. 3302, passed 9-3-02; Am. Ord. 1309, passed 4-6-09)