

(c) This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

SECTION 8-132. DEFINITIONS

- (a) "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- (b) "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.
- (c) "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.
- (d) "Fire Chief" means the Chief of the Surfside Beach Fire Department or other person designated by the Town Administrator. *Note: The term "Fire Chief" is used throughout this ordinance, the Town Administrator may, at his/her discretion, designate persons other than those associated with the Fire Department, including but not limited to the Town's Police Department, for any of the responsibilities in this ordinance.*
- (e) "Municipality" means a county, township, city, or village.
- (f) "Outdoor burning" means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.
- (g) "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel, ditch, and debris pile.
- (h) "Outdoor wood-fired boiler" means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.
- (i) "Patio wood-burning unit" means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.
- (j) "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 8-133. GENERAL PROHIBITION ON OUTDOOR BURNING AND OPEN BURNING

Open burning and outdoor burning are prohibited in the Town of Surfside Beach unless the burning is specifically permitted by this ordinance.

SECTION 8-134. OPEN BURNING OF REFUSE

Open burning of refuse is prohibited.

SECTION 8-135. OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

Open burning of trees, logs, brush, stumps, leaves, and grass clippings are prohibited.

SECTION 8-136. PATIO WOOD-BURNING UNITS

A patio wood-burning unit may be installed and used in the Town of Surfside Beach only in accordance with all of the following provisions:

- (a) The patio wood-burning unit shall not be used to burn refuse.
- (b) The patio wood-burning unit shall burn only clean wood.
- (c) The patio wood-burning unit shall be located at least 50 ft. from the nearest structure which is not on the same property as the patio wood-burning unit.
- (d) The patio wood-burning unit shall not cause a nuisance to neighbors.

SECTION 8-137. LIABILITY

Any person utilizing or maintaining an outdoor fire, whether permitted or prohibited herein, shall be responsible for all fire suppression costs and any other damages resulting from damage caused by the fire.

SECTION 8-138. RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Surfside Beach who presents valid credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SECTION 8-139. ENFORCEMENT AND PENALTIES

(a) The Fire Chief, **Police Officers and any persons designated by the Town Administrator as a Code Enforcement Officer is authorized to enforce the provisions of this ordinance.**

(b) Any person, firm, association, partnership, corporation, or governmental entity that violates any of the provisions of this ordinance or fails to comply with a duly authorized Uniform Ordinance Summons under S.C. Code of Laws 56-7-80, issued pursuant to this ordinance shall appear in the Municipal Court of the Town and shall be subject to a fine determined in accordance with the following schedule:

	<u>Minimum Fine</u>	<u>Maximum Fine</u>
1 st Offense within 3-year period*	\$75.00	\$500.00
2 nd Offense within 3-year period*	\$150.00	\$500.00
3 rd Offense within 3-year period*	\$325.00	\$500.00
4 th or More Offense within 3-year period*	\$500.00	\$500.00

*Determined on the basis of the date of commission of the offense(s)

The violator shall pay costs which may include all expenses, direct and indirect, which the Town of Surfside Beach has incurred in connection with the **ordinance offense** and as prescribed in SECTION 8- 139 above. In addition, the Town shall have the right to

proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this Ordinance. Each day that a violation of this Ordinance exists shall constitute a separate violation of this Ordinance.

Section 8-140. REPEAL

This ordinance replaces Section 307, Open Burning and Recreational Fires, of the International Fire Code as adopted by the Town of Surfside Beach.

SECTION 8-141. SEVERABILITY

Should any portion of this ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected.

SECTION 8-142. Other applicable laws.

This article shall not be interpreted or construed to permit fires or burning where it is otherwise restricted by other applicable laws.

SECTION 8-143. Interpretation for intent.

It is the intent of council to prohibit open burning whenever and wherever the private choice of setting a fire intrudes or has the capacity to intrude upon the right of persons concerned about protecting their own property or rights to be free from the hazards and inconvenience of smoke. All provisions shall be construed to achieve these purposes.

General Provisions.

1. If any provision, clause, sentence, or paragraph of this Ordinance or the application thereof to any person or circumstances shall be held invalid, that invalidity shall not affect the other provisions of this article which can be given effect without the invalid provision or application, and to this end the provisions of this article are declared to be severable.
2. Effect of section headings: The headings or titles of the several sections hereof shall be solely for convenience of reference and shall not affect the meaning, construction, interpretation or effect of this article.
3. Repeal and Effective Date: All ordinances or parts of ordinance inconsistent with this ordinance are hereby repealed. This ordinance shall take effect immediately upon approval by the Town Council of the Town of Surfside Beach, South Carolina.

BE IT ORDERED AND ORDAINED by the Mayor and Council of the Town of Surfside Beach, South Carolina, in assembly and by the authority thereof, this 28th day of April, 2009.

K. Allen Deaton, Mayor

Vicki W. Blair, Town Council

Joseph P. Martin, Town Council

Robert F. Childs III, Town Council

Douglas F. Samples, Town Council

Mark L. Johnson, Town Council

James S. Truett, Mayor Pro Tem

Attest:

Attest: Sharon Pinnell, Town Clerk

APPROVED