

## ORDINANCE NO. 1070

WHEREAS, the Board of County Commissioners for Somerset County has the authority to propose and adopt ordinances to improve the health and safety of the citizens of Somerset County; and

WHEREAS, pursuant to the passage of Senate Bill 424 by the General Assembly in 2013, Somerset County Commissioners are authorized to implement an Emergency Burn Ban in order to protect the safety and welfare of the citizens of this County and the preservation of property; and

WHEREAS, the Board of County Commissioners has determined that in the interest of public health and safety, it is prudent to prohibit open burning when climatic conditions indicate the threat of uncontrolled fire in Somerset County; and

WHEREAS, the Board of County Commissioners hereby deem it necessary for the immediate preservation of public health and property to adopt the restrictions set forth in this Ordinance and it is the intent of the County Commissioners that the provisions of this Ordinance shall take effect immediately upon passage by the Board.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS FOR SOMERSET COUNTY, MARYLAND, as follows:

### **Section I. Purpose:**

This Ordinance provides restrictions during specific drought-related conditions on the lawful burning outdoors in order to protect public health, safety and welfare; to preserve public and private property; and maintain the ecology and delicate wildlife.

### **Section II. Applicability:**

- A. This Ordinance shall apply throughout the unincorporated areas of Somerset County including public and private properties. It does not, however, apply to federal and state owned property.
- B. This Ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- C. This Ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace, fireplace or other heating device within a building used for human or animal habitation.
- D. 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.
- E. This Ordinance does not apply to the use of a "patio wood-burning unit".

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**Section III. Definitions:**

- A. 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 the use of a burn barrel.
- B. Burn Barrel: means a metal container used to hold combustible or flammable waste materials so that they can be ignited outdoors for the purpose of disposal.
- C. Campfire: means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.
- D. Patio Wood Burning Unit: means a chimney, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

**Section IV. Issuance:**

- A. A county-wide emergency burn ban shall take effect immediately upon the declaration of such by the President of the County Commissioners, upon consultation with the Director (or Assistant Director) of the Department of Emergency Services. In the Presidents' absence, the Vice-President or County Administrator may implement the emergency burn ban. Before submitting a recommendation, the Emergency Services Director will contact the Fire Chief's Association to ascertain if conditions warrant a ban on open burning. The declaration of a burn ban will be based upon atmospheric conditions, including the lack of appreciable rainfall; wind conditions; and any other local conditions that may be deemed hazardous.
- B. Once the determination has been made that the circumstances for which the emergency burn ban was issued no longer exists, the ban on open burning will be lifted by the President of the County Commissioners (or Vice-President or County Administrator in his absence).

**Section V. Notifications:**

- A. Upon issuance of the burn ban, the Department of Emergency Services shall notify all fire/ambulance companies in the County and the Sheriff's Office. The County Commissioners Office shall notify local media and post the notice on the County's website. The same action shall take place at which time the burn ban is lifted.

**Section VI. Prohibited Actions:**

No person shall start, kindle, cause, allow, or maintain any form of leaf burning, wood burning of any kind, or the burning of trash, rubbish or garbage, or the burning of any

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other combustible material on private or public property, except as specifically authorized by this Ordinance. The use of burn barrels is prohibited during a county-wide burn ban. Fireworks, outdoor campfires and bonfires are also prohibited. (See Section VII. Exceptions for campfires)

**Section VII. Exceptions:**

A. The prohibitions established by this Ordinance shall not apply to:

- (1) Outdoor campfires at Janes Island State Park, or other state owned property.
- (2) Outdoor fires that are made in the course and scope of law enforcement official duties.
- (3) Firefighting training activities properly supervised by a firefighting authority.
- (4) Outdoor welding, cutting or grinding operations and outdoor hot works operations, provided it is free of vegetation for at least 25 feet in all directions.
- (5) Burning for the purpose of cooking or generating heat as noted in "Section II Applicability".

**Section VIII. Enforcement and Penalties**

- A. This Ordinance shall be enforced by the Sheriff of Somerset County and the Sheriff's Deputies, and they shall have authority to order any person to immediately cease any violating act of this Ordinance.
- B. Any person who violates any of the provisions of this Ordinance or fails to comply with a duly authorized order issued pursuant to the Ordinance shall be deemed to be punishable by fine as set by the Board of County Commissioners.
- C. The permissibility of the ignition of any fire as specified herein shall not operate to relieve the igniter of any duty of care otherwise imposed by law; nor shall this ordinance operate to absolve any person of any liability for damages to persons or property which may occur as a result of the fire.

Adopted this 3<sup>rd</sup> day of December 2013.

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ATTEST:

Ralph D. Taylor  
County Administrator

BOARD OF COUNTY COMMISSIONERS  
FOR SOMERSET COUNTY

Rex Simpkins, President

Charles F. Fisher, Vice-President

Craig N. Mathies Sr., Commissioner

Jerry S. Boston, Commissioner

Randy Laird, Commissioner

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I. THEODORE PHOEBUS, CLK. CI. CT.

BY JFL DEPUTY