

Sponsor: D. Torbert
First Reading: 10-13-2021
Second Reading: 12-8-2021

GREENWOOD ORDINANCE NO. A-5-A

AN ORDINANCE REPEALING IN ITS ENTIRETY ORDINANCE A-5 PERTAINING TO BURNING OF COMBUSTIBLE MATTER WITHIN THE TOWN LIMITS

WHEREAS, Section 29(a)(2) of the Greenwood Town Charter authorizes the Town to “provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants”;

WHEREAS, in the opinion of the Town Council, it is in the best interest of the public health, safety, and welfare to repeal in its entirety said Ordinance A-5.

NOW THEREFORE, be it hereby enacted by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that Ordinance A-5 “An Ordinance to Prohibit the Burning of Leaves, Brush or Other Combustible Matter Within the Corporate Limits of the Town of Greenwood Providing Penalties for Violations Thereof and Creating Exceptions Therefrom” is hereby repealed in its entirety and replaced thereof with the following, to wit:

ORDINANCE A-5-A: AN ORDINANCE TO PROHIBIT THE BURNING OF BRUSH OR OTHER COMBUSTIBLE MATTER WITHIN THE CORPORATE LIMITS OF THE TOWN OF GREENWOOD PROVIDING PENALTIES FOR VIOLATIONS THEREOF AND CREATING EXCEPTIONS THEREFROM

Section 1. Purpose and Intent: It is recognized and found that smoke from leaves, grass, clippings, stumps, unsplit logs, garbage, trash, waste lumber and other combustible materials is hazardous to an individual’s health and may affect the health of the genal public when they are involuntarily exposed to the presence of such smoke.

Section 2. Definitions: For the purpose of this Ordinance, the following definitions shall be applicable unless the context clearly indicates to the contrary:

The word **Person** shall mean an include any natural person, an individual, partnership, voluntary association, society, club, firm, corporation, business trust, or any other group acting as a unit or the lessee, agent, servant, partner, member, director, officer, or employee, or any of them.

Section 3. Prohibition of Outdoor Burning. It shall be unlawful for any person to engage in any of the following activities:

- A. The burning of materials wherein products of the combustion are emitted directly into the open air, including burning barrels.
- B. The burning of waste or garbage.
- C. The burning of leaves and grass clippings.
- D. The burning of land clearing debris.
- E. The burning of waste lumber, unsplit logs or stumps.
- F. The burning of any combustible material in outdoor wood burning boilers or furnaces, or any other equipment or apparatus or any part thereof, whether open or enclosed, that is designed, intended or used for the purpose of providing a component of heating system or providing heated water to another structure even if attached to such structure.
- G. The burning of plastics, rubber, fiberglass, insulation, or other materials that may contain carcinogenic compounds.

Section 4. Exceptions. The following outdoor burning activities shall be exceptions to the outdoor burning prohibitions of this Ordinance:

- A. Barbeque grills, gas or charcoal, used for cooking food.
- B. Campfires or fire rings provided that no campfire or fire ring shall be larger than 27 cubic feet.
- C. Patio fire pits or chimenea, provided such fire pits or chimenea are not operated continually for more than six hours.
- D. Outdoor fireplaces provided such outdoor fireplaces are not operated continually for more than six hours.
- E. Indoor fireplaces where the smoke is discharged through a chimney or other means in accordance with the Code of the Town of Greenwood.
- F. The burning of small amounts of cut or fallen branches, limbs, or shrubbery subject to the following conditions:
 - a. The burning shall only be conducted on a residentially zoned property where no commercial or industrial activity is conducted.
 - b. The burning shall be conducted only by residents of the dwelling on the property where the burning takes place.

- c. The branches, limbs, or shrubbery being burned must have originated from the property where those materials are being burned. The burning of branches, limbs, or shrubbery from other properties shall be prohibited.
- d. No more than 27 cubic feet of material may be burned at any one time.
- e. The burning must take place as far as practicable from any adjacent property.
- f. No such burning shall take place from May 1 to September 30 of each year.
- g. Burning of cut or fallen branches, limbs, or shrubbery is only permitted from the hours of 8:00 am to 4:00 pm from October 1 to April 30. All burning shall be completed and extinguished by 4:00 pm.

Section 5. Bonfires. Ceremonial bonfires conducted by established groups or organizations such as schools, service clubs or churches, will be permitted provided:

- A. Notification is provided to Town Hall at least three days in advance.
- B. Advance notification of the bonfire is made to the Greenwood Volunteer Fire Department.
- C. Such bonfires are not burning continually for more than six hours.

Section 6. Burning by Fire Department or with Permission of State Fire Marshal. Nothing in this Chapter shall prohibit controlled burning of grass or brush on any lot or of any structure by the Greenwood Volunteer Fire Department or by any other fire department authorized to conduct such burns by the Delaware State Fire Marshal.

Section 7. Ban on Open Burning. Any burning ban issued by the State Fire Marshal or the Delaware Department of Natural Resources and Environmental Control shall supersede applicable provisions of this Ordinance.

Section 8. Penalties for Violation.

- A. Failure to comply with any of the provisions of this Ordinance shall be a violation and, upon conviction thereof, shall be punishable by a fine of \$500.00 for the first offense and shall pay the costs of prosecution.
- B. Any subsequent offense shall be punishable by a fine of \$500.00 and shall pay the costs of prosecution.

- C. Each day that a violation occurs shall constitute a separate offense. The owners of premises upon which prohibited acts occur shall be jointly and severally liable for violations of this Ordinance.
- D. Any fine imposed hereunder shall constitute a lien upon the real property where the violation occurred.

Section 9. Effective Date. This Ordinance shall take effect immediately upon its adoption by the Town Council.

Synopsis

This ordinance establishes regulations pertaining to the burning of combustible matter within the Town of Greenwood. This ordinance generally prohibits the burning of combustible material with exceptions for certain permitted uses. Bonfires may also be permitted in certain cases as outlined in the ordinance. Controlled burns by the Fire Department or with permission of the State Fire Marshal are permitted. All open burning within the Town of Greenwood is also subject to any burning ban issued by the Fire Marshal or the Department of Natural Resources and Environmental Control. A violation of this ordinance is subject to a fine of \$500.00 for the first offense and for any subsequent offense.

This shall certify that this is a true and correct copy of Ordinance A-5-A duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on December 8, 2021.

Attest:



Council Secretary

So certifies:



Mayor