ORDINANCE #2025-7
"AN ORDINANCE TO AMEND SECTION 8.08.30 – BURNING PROHIBITED TO OPEN BURNING / BURNING PROHIBITED EXCLUDING THE BUSINESS DISTRICT

The Mullins Fire & Rescue Department is a division of the City of Mullins and the Mario County Emergency Services Department. The Mullins Fire & Rescue Department is charged with enforcing the provisions of governing fire codes, as promulgated in Section 23-9-30 of South Carolina State Law and Title/Chapter 8 of the City of Mullins Code of Ordinances in the Mullins Fire & Rescue response area in Marion County. Mullins Fire & Rescue ensures compliance with governing building and fire codes through education, inspection, and enforcement.

1. Purpose:

Each year illegal or unprescribed burns contribute to increased fire calls and emergency responses. These responses can often result in loss of life, property, and property damage. In addition, aid in hiding unnecessary pollutants and carcinogens to the air thereby stressing the environment for the residents of the City of Mullins. This ordinance is designed to inform contractors and residents of the rules of safety regulations concerning open burning in the City of Mullins. To prevent, abate, and control air pollution from air contaminants released by the open burning of refuse or other combustible materials in making efforts to improve the living conditions and overall quality of life for the citizens of Mullins.

2. Application:

This ordinance shall apply to all operations involving open burning, except those specifically exempted in this chapter.

3. Definitions:

(a) Clean Wood – natural wood charcoal, natural wood or cull cut lumber which has not been painted, varnished, or coated with similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products; provided however, commercially available fireplace logs, starter logs, and similar products are also considered clean wood.

(b) Construction and demolition waster – building waste materials, including but not limited to waste shingles, insulation, wood to which any protective coating, chemical treatment or fixative has been applied, or in any nail, tack, or similar fixative is embedded, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial, or industrial building or other structure.

(c) Cull lumber – construction lumber which has not been treated, had any varnish, paint, resin, glue, or other fixative applied to its surface, and has not nails or tacks. Cull lumber specifically does not include press wood, plywood, composite wood, or similar wood-based products.

(d) Fire Chief – the Chief of the Mullins Fire & Rescue Department, or any other person designated by the Fire Chief.

(e) Open burning – kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack, chimney, or filtering system. This includes burning areas which are self-contained, such as burn barrels, in ground or above ground burn pits, or fire rings of masonry or metal construction, patio wood burning units or other similar contrivances, as well as non-area contained campfires.

(f) Patio wood-burning unit – chiminea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

(g) Recreational fire – the burning of clean wood and wood charcoal contained in an outdoor fireplace, barbeque grill, masonry or metal fire pit, or ring for pleasure, religious, ceremonial, cooking, or similar purposes, bonfires

(h) Refuse –anything that can be fuel or fire other than clean wood or cull lumber, and includes cardboard, paper or plastic rubbish, debris or trash, and any putrid, unhealthy or unwholesome part of any animal, broken furniture, or waste material.

(i) Yard waste – all trees, all shrubbery, hedge trimmings, leaves and limbs, yard cleanings, and other similar items which are not cultivated nor cared for by persons owning or controlling the premises.

4. General Prohibitions.

(a) It shall be unlawful for a person to engage in open burning in the City of Mullins unless the burning is specifically permitted by this article, or under the International Fire Code.

(b) It shall be unlawful for a person to engage in the open burning of refuse and yard waste in the City of Mullins. The City of Mullins provides yard waste collection services.

(c) It shall be unlawful for a person to engage in the open burning of construction and demolition waste on a job site in the City of Mullins; provided however, cull lumber which has not been treated, painted, glued, or had resin applied, and contains no nails, tacks or other fixatives, may be burned only if Department of Health and Environmental Control (DHEC) regulations are followed.

5. Permissible Burning, generally:

While recognizing that open burning contributes to air pollution, the City of Mullins is aware that certain types of open burning may be reasonably allowed in the public interest; therefore, the following types of open burning are permissible as specified. If burning is not prohibited by ordinances and regulations of governmental entities having jurisdiction, if atmospheric conditions or local circumstances do not warrant or deem open burning hazardous, and the burn meets the requirements of the International Fire Code - NO PERSON shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any private property, or in any public ground, without a permit or other proper authorization/ Open burning is allowed, without a permit, for the following

circumstances: decorative, cooking and/or heating on private property. The diameter of the decorative, cooking and/or heating surface shall not be greater than four feet (48 inches). Natural vegetation (i.e., firewood), liquid propane, natural gas, or charcoal is the only allowable fuel source. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity.

Open Burning, Recreational Fires, Portable Outdoor Fireplaces

(a) General. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with the City of Mullins Code of Ordinances, International Fire Codes, and the Department of Environmental Control (DHEC) where applicable, and any other codes or standards set forth by any other governmental agency or bureau that may be appropriate for the situation.

(b) Prohibited open burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fire hazardous. Exception: prescribes burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

(c) Nature of material being burned. Open burning is limited to natural and ordinary combustible materials. The burning of heavy smoke producing materials, including leaves, limbs, and yard debris is prohibited. The City of Mullins provides curb side pick-up services for this type of rubbish. No processed or demolition debris or construction products (wood, plastic, vinyl, or shingles) shall be burned.

(d) Meteorological conditions. Open burning shall not be initiated until at least one (1) hour after sunrise and shall be extinguished at least two (2) hours prior to sunset. Burning shall be restricted to periods when surface wind is less than 15 m.p.h.

(e) **Open burning near airports.** All burning operations within one (1) mile of an airport must obtain approval from the airport authority. The fire code official reserves the right to request such approval in writing.

(f) Commercial open burning operations. Commercial open burning is defined as burning conducted on a commercial property, not including agricultural open burning. All open commercial open burning permits will be required to have an air curtain destructor and pit.

(g) Agricultural open burning operations. Agricultural burning is defined as the burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for agricultural purposes.

(h) Residential open burning operations. Residential open burning is defined as burning **land clearance materials on one (1) or two (2) family residential property.**

6. Locations and Distance:

The location for open burning shall not be less than the distances specified in this section for the type of open burn being conducted.

(a) Residential open burning. The location for residential open burning shall not be less than one hundred (100) feet from any structure, vehicle, fence, or public roadway. The open burning shall not be within two hundred (200) feet of any structure which is not on the same property. **Exception:** Fires in approved containers that are not less than thirty (30) feet from a structure or public roadway; and not less than one hundred (100) from any structure which is not on the same property.

(b) Commercial open burning. The location for commercial burning shall not be less than five hundred (500) feet from any structure or public roadway, and provisions shall be made to prevent the fire from spreading to within five hundred (500) feet from any structure or public roadway.

(c) Agricultural open burning. The location for any agricultural open burning shall not be less than two hundred (200) feet from any structure or public roadway, and previsions shall be made to prevent the fire from spreading to within two hundred (200) feet of any structure or roadway. **Exception:** Where it is not feasible to maintain agricultural burning two hundred (200) feet from public roadways or structures on the same property, the fire code official shall have the authority to reduce setback requirements for special cases after verifying that adequate safety measures have been met and controls in place.

(d) Bonfires. A bonfire shall not be conducted within fifty (50) feet of a structure, public road or combustible material. Conditions which could cause a fire to spread within fifty (50) feet of a structure, public road or combustible material shall be eliminated prior to ignition. Bonfire dimensions shall not exceed six (6) feet in diameter and six (6) feet in height.

(e) Recreational fire. Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure or combustible material shall be eliminated prior to ignition.

(f) Portable outdoor fireplaces and fire pits. Portable outdoor fireplaces and fire pits shall be used in accordance with the manufacturer's instructions and shall not be operated on a combustible deck or within fifteen (15) feet of a structure or combustible material. **Exception:** portable outdoor fireplaces and fire pits used at one-and two- family dwellings shall be used in accordance with the manufacturer's instructions.

(g) Attendance. Open burning, bonfires, recreational fires, and the use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of (1) portable

fire extinguisher complying with section 906 of the International Fire Code with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization

7. Right of entry and inspection:

The fire chief or any authorized officer, agent, employee or representative of the municipality, who presents credentials may inspect any of the grounds or property for the purpose of ascertaining compliance with the provisions of this ordinance, and such entry and inspection shall be in compliance with state and local law regarding code inspections.

8. Enforcement and penalties:

Permits. Permits are required to conduct open burning within the City of Mullins and must be obtained from the fire code official. These include but are not limited to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by, and permits issued to the owner of the land upon which the fire is to be kindled. Permits may be applied for at Mullins City Hall. At least twenty-four (24) hours' notice is required for all permits to allow ample time for notification of the fire official and allow scheduling for inspection of the location the open burn will be conducted, and permit issued upon fire official approval.

Exception: Permits are not required for recreational fires or portable outdoor fireplaces used in accordance with the manufacturer's instructions. Fires exempt from permits must still comply with all safety requirements of this ordinance and the International Fire Code.

Authorization. Where required by state or local law or regulation, open burning shall only be permitted with prior approval from the state or local air and water quality management authority (DHEC), provided that all conditions specified in the authorization are followed. Approvals from (DHEC) will be included with the burn permit application where applicable.

Permit validity. Open burn permits have an operational period of up to three (3) days as noted on the permit unless restricted by state or local authorities. Permits shall not be transferable. Any permission granted in this section will be subject to continued review and may be withdrawn at any time. The fire code official for the city of Mullins will issue all permits for open burning in the city limits and may place conditions and limitations on the permit to protect the public. No permit will be issued for the burning of yard waste, the city provides for the collection of yard debris. Burning for the purpose of clearing land shall be prohibited.

9. Compliance with all laws:

The authority to conduct open burning under the provisions of this ordinance does not exempt or excuse any person from the consequences, damages, or injuries which may result from such conduct, nor does it excuse or exempt any person from complying with all applicable laws,

ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance.

10. Enforcement and penalties:

The Fire Chief is authorized to enforce the provisions of this ordinance by immediate extinguishment of any open burning that negatively impacts public health, safety, or welfare, or that is not in compliance, or at his/or her discretion, and to issue ordinance summons for violations. The fire code official will act as the extinguishment authority. When open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation. If the responsible party refuses or is non-compliant with the fire code official's order, law enforcement will be notified to respond to the location, and issue the appropriate fines or penalties set forth in the City of Mullins Municipal Code.

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Mayor Miko Pickett

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Council Members

1st Reading: 2-11-2025
Final Reading: 3-11-2025

ATTEST:

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Felicia Sawyer-Norton, Clerk Robert H. Corley, City Attorney