



Town of Southern Shores

"A Town of Volunteers"

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Ordinance No. 2004-06-02

AN ORDINANCE OF THE SOUTHERN SHORES TOWN COUNCIL RELATING TO AMDENING THE TOWN FIRE CODE

Dare County, North Carolina

Be It Ordained by the Southern Shores Town Council as follows:

Article I: Purpose

The purpose of this Ordinance is to amend the Town Code of Southern Shores, Dare County, North Carolina, which was originally adopted by the Town Council on June 7, 1988 and subsequently amended.

Article II. Construction

For purposes of this Ordinance, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Language of the adopted Town Code shall be shown in italics (*italics*).

Article III. Amend Section 4-40, Southern Shores Town Code – Combustible materials

Section 4-40 of the Southern Shores Town Code is hereby amended as follows:

It shall be unlawful for any person to build or set a fire in any location except in the areas and under the conditions specified below:

- (1) *The occupant of a permanent dwelling or business unit may burn small amounts of refuse, tree branches, brush and scrap lumber provided the burning is conducted within one hundred (100) feet of such dwelling or business unit and is confined within (a) an enclosure from which burning material may not escape or (b) cleared and protected area upon which a watch is maintained and which is provided with adequate fire protection equipment at the immediate fire site. Adequate fire protection equipment is considered to be a charged hose line, shovel, rake, and loose sand or dirt with which to cover the fire.*

- (2) *The occupant of a permanent dwelling may build or set a fire for the purpose of outdoor cooking provided such fire is confined within a permanent barbecue pit or in a commercially manufactured grill or similar device designed for outdoor cooking.*
- (3) *Fires set for the purpose of disposal of large amounts of refuse, materials resulting from routine house and land maintenance, accumulations of brush, tree stumps and trunks or material resulting from land clearing or building activities will require a special permit that may be issued by the fire inspector only after the proposed burning site and material to be burned have been inspected by the fire ~~chief or his designee~~ inspector and it has been determined that burning operations can be safely conducted.*
- (4) *No fire of any type shall be built or set on unimproved property (any property where a permanent dwelling or business unit does not exist) until the site has been inspected and a permit issued by the fire ~~chief or his designee~~ inspector.*
- (5) *All fires of the type described in this section must be attended by a competent person fourteen (14) years of age or older who must remain in attendance at the fire until it is completely extinguished. Where appropriate, the person in charge must have in his or her possession a copy of the permit and must produce such document upon request of an official of the police department or fire company.*
- (6) *Except as approved in writing by the fire inspector, no ~~No~~ fire of any type shall be built or set in the marina area or the picnic area on Dogwood Trail nor in any other area owned by the Southern Shores Civic Association.*
- (7) *House occupants, landowners or contractors starting or setting fires as permitted by subsections (1), (3) or (4) above are responsible for assuring themselves that a prohibition against burning as stated in G.S 14-139, is not in effect.*
- (8) *Initial burning shall generally be allowed only between the hours of 9:00 a.m. and 6:00 p.m. but no combustible materials shall be added to the fire after 3:00 p.m., except that under favorable meteorological conditions, deviations may be granted by the fire ~~chief or his designee~~ inspector.*

Article IV. Definitions

Section 4-21 of the Southern Shores Town Code is hereby amended to add the following definition:

Fire Inspector. The person appointed to the position of fire inspector by the town manager. In the event no person is appointed fire inspector, the fire chief of the Town of Southern Shores or his designee shall be considered the fire inspector until such appointment is made by the town manager.

Article V. Severability

If any words, phrases, language, section or other portion of this Ordinance is held invalid by a court of competent jurisdiction, then all remaining words, phrases, language, section or other portion of this Ordinance shall remain in full force and effect.

Article VI: Effective Date

This Ordinance is effective immediately upon adoption.

Adopted this the 1st day of June 2004.


Mayor Paul Sutherland

ATTEST:


Carrie Gordin, Town Clerk

S E A L

Approved as to form:


Ike McRee, Town Attorney

Date Introduced: June 1, 2004