

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

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HOUSE DRH80092-LD-24 (02/16)

Short Title: Presence Required During Open Burning. (Public)

Sponsors: Representative Adams.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO REQUIRE ANY PERSON UNDERTAKING AN OPEN BURNING,
WHETHER SUBJECT TO A PERMIT OR NOT, TO BE PRESENT ON THE SITE
THROUGHOUT THE PERIOD OF THE BURNING.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-60.22 reads as rewritten:

"§ 113-60.22. Definitions.

As used in this Article:

- (1) "Department" means the Department of Environment and Natural Resources.
- (2) "Forest ranger" means the county forest ranger or deputy forest ranger designated under G.S. 113-52.
- (2a) "Open burning" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through a stack, chimney, or a pollution control device permitted under Article 21B of Chapter 143 of the General Statutes.
- (3) "Person" means any individual, firm, partnership, corporation, association, public or private institution, political subdivision, or government agency.
- (4) "Woodland" means woodland as defined in G.S. 113-57."

SECTION 2. G.S. 113-60.26 reads as rewritten:

"§ 113-60.26. Permit conditions.

Permits issued under this Article shall be issued in the name of the person undertaking the burning and shall specify the specific area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit, and such other factors as are necessary to identify the burning which is allowed under the

1 permit. The person undertaking the burning shall be present on the site until the fire is
2 extinguished and shall be in charge of the burning throughout the period of the burning,
3 and the permit shall specify these conditions."

4 **SECTION 3.** G.S. 113-60.28 is amended by adding a new subsection to
5 read:

6 "(d) If open burning is commenced in an area in which no permit is required under
7 G.S. 113-60.23 or G.S. 113-60.24, the person undertaking the burning shall be present
8 on the site until the fire is extinguished and shall be in charge of the burning throughout
9 the period of the burning."

10 **SECTION 4.** This act becomes effective October 1, 2005, and applies to
11 open burning, defined by G.S. 113-60.22, as amended under Section 1 of this act, that
12 occurs on or after that date.