

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007

H

1

HOUSE BILL 1653

Short Title: County May Ban Open Burning/Repeal Exemption. (Public)

Sponsors: Representatives Justice; Fisher, Insko, and Luebke.

Referred to: Judiciary II.

April 19, 2007

A BILL TO BE ENTITLED

AN ACT TO AUTHORIZE COUNTIES TO ADOPT BY ORDINANCE A COUNTYWIDE BAN ON OPEN BURNING, TO PROHIBIT THE PERMITTING OF OPEN BURNING IN SUCH COUNTIES, AND TO REPEAL THE STATEWIDE EXEMPTION FROM REGULATION FOR FIRES STARTED WITHIN ONE HUNDRED FEET OF AN OCCUPIED DWELLING HOUSE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 113-60.30 reads as rewritten:

"**§ 113-60.30. Effect on other laws.**~~laws~~; **county has authority to ban open burning.**

This Article shall not be construed as affecting or abridging the lawful authority of local governments to pass ordinances relating to open burning within their boundaries. Further, a county may by ordinance adopt a countywide ban of open burning, and no permits under G.S. 113-60.23 or G.S. 113-60.24 shall be issued in a county that adopts such an ordinance. Nothing in this Article shall relieve any person from compliance with the provisions of Article 21B of Chapter 143 of the General Statutes and ~~regulations~~ any rules adopted thereunder. In the event that permits are required for open burning associated with land clearing under the authority of Article 21B of Chapter 143 of the General Statutes, the authority to issue such permits shall be delegated to forest rangers who are authorized to issue permits under G.S. 113-60.23(c)."

SECTION 2. G.S. 113-60.31 is repealed.

SECTION 3. This act is effective when it becomes law and applies to ordinances adopted on or after that date.