

STATE OF SOUTH CAROLINA )

COUNTY OF OCONEE )

ORDINANCE 2023-2

CITY OF WALHALLA )

**AN ORDINANCE TO REPEAL AND REPLACE ORDINANCE 1996-4 AND TO ESTABLISH THE MINIMUM REGULATIONS GOVERNING THE REGULATION OF BURNING OF LEAVES, TRASH, AND OTHER WASTE MATERIALS OUTDOORS BY RESIDENTS AND COMMERCIAL BUSINESSES IN THE CITY OF WALHALLA.**

NOW THEREFORE: it is ordained and enacted that: by the Mayor and Council members of the Municipality of Walhalla, in Council assembled, that the following ordinance, shall be as follows:

**SECTION 1. TITLE**

The title of this ordinance shall be the 2023 Outdoor Burning Ordinance.

**SECTION 2. PURPOSE**

The purpose of this ordinance is:

- I. to protect the citizens, visitors, and buildings of City of Walhalla.
- II. to promote economic and general welfare of the people of City of Walhalla.
- III. To establish guidelines for the proper burning and operation of open flame in the City of Walhalla. (Appendix A)

It shall be unlawful for any person to set or maintain a fire outdoors within the Corporate Limits of the City of Walhalla without a proper and in date permit. Permitted burning will only be allowed for the purpose of burning natural vegetation only. All other materials such as trash, tires, plastics, lumber, or other flammable materials will be strictly prohibited. This is in accordance with the legislation passed by the South Carolina Forestry Commission (SCFC) and the South Carolina Department of Health and Environmental Control (SC DHEC).

**SECTION 3. ACCEPTED AND PROHIBITED BURNING MATERIALS**

In accordance with South Carolina Forestry Commission Regulation 61-62.2 "Prohibition of Open Burning" and with SC DHEC guidelines, permitted burning will be accepted only for the following:

- I. Burning of leaves, tree branches, or yard trimmings originating on the premises

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- II. Burning in connection with the preparation of food for immediate consumption.
- III. Campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth. Fires set for these purposes must use only clean wood products (woody vegetation, leaves, or wood which is not coated with stain, paint, glue or other coating material, and not treated lumber).
- IV. Burning for the purposes of agricultural or land management purposes can only burn material that originated on site and not moved from one site to another location.
- V. The amount of dirt on the material must be minimized.
- VI. No heavy oils, asphaltic materials, items containing natural or synthetic rubber, or any materials other that plant growth may be burned.
- VII. In the event of large area or land clearing all burning operations must be in accordance with SCFC and SC DHEC regulations.

**SECTION 4. RESIDENTIAL**

All burning of any flammable materials in the outdoors shall be done under the authorization and supervision of the City of Walhalla Fire Department. Citizens, prior to burning, must contact the Fire Department and will be issued a burn permit after giving the Fire Department the following information which will include their phone number, location of burning, and permanent home address and what is to be burned. Permitted burning will only be allowed for materials outlined in Section 3 of this ordinance. Permits are issued for one (1) day with the understanding that if any complaints are received the Fire Department will extinguish the fire. Decision to extinguish the fire is solely at the discretion of the City of Walhalla Fire Department. There will be no burning permitted on Sundays.

**SECTION 5. COMMERCIAL**

All burning of any flammable materials in the outdoors shall be done under the authorization and supervision of the City of Walhalla Fire Department. Businesses, prior to burning, must contact the Fire Department and will be issued an Annual Commercial Burn Permit (Appendix B) after giving the Fire Department the following information which will include their phone number, location of burning, and what is to be burned. Permitted burning will only be allowed for materials outlined in Section 3 of this ordinance. Permits are issued for one (1) year with the understanding that if any complaints are received the Fire Department will extinguish the fire. Decision to extinguish the fire is solely at the discretion of the City of Walhalla Fire Department. There will be no burning permitted on Sundays.

**SECTION 6. FINES AND FEES**

RESIDENTIAL	COMMERCIAL	
FINES	FEES	FINES
1 <sup>st</sup> offense- \$0	Annual Permit- \$50	1 <sup>st</sup> offense- \$100
2 <sup>nd</sup> offense- \$50		2 <sup>nd</sup> offense- \$250
3 <sup>rd</sup> offense- \$100		3 <sup>rd</sup> offense- \$500
4 <sup>th</sup> offense- \$200		4 <sup>th</sup> offense- \$1000



5 <sup>th</sup> offense- Ban for 1 year	5 <sup>th</sup> offense- Ban for 1 year
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**SECTION 6. SEVERABILITY CLAUSE**

If any provision of this ordinance shall be held or made invalid by a court decision, statute or rule, or shall be otherwise rendered invalid, the remainder of this ordinance shall not be affected thereby.

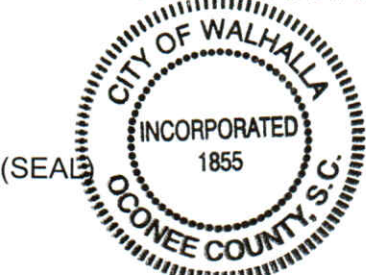
**SECTION 7. LEGALITIES**

That nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as city in Section 6 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

**SECTION 8. ADOPTION**

This ordinance shall take effect and be in force from and after its approval as required by law.

AND IS DONE AND RATIFIED in Council Duly assembled this 18<sup>TH</sup> Day of APRIL 2023.



*[Handwritten Signature]*  
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 Danny Edwards, Mayor

ATTEST:

Timothy B. Burt  
 Timothy B. Burton, City Administrator

Introduced By: MR. KEEHN

First Reading: MARCH 21, 2023

Public Hearing,  
 Second Reading  
 And Adoption: APRIL 18, 2023

## APPENDIX A. BURN PERMIT WEATHER GUIDELINES

### BURN PERMIT WEATHER GUIDELINES

The City of Walhalla Fire Department has the ultimate authority on determining if the weather conditions are safe to burn. At any time, all burn permits can be revoked temporarily due to weather. The following are general conditions that must be abided by for burning.

**WIND:** If the wind is over 5 mph for the day, there should be no burning that day.

**HUMIDITY:** If the humidity is higher than 30 percent, burning is allowed for that day. If the humidity is lower than 30 percent, burning is not allowed that day.

**RED FLAG:** If any point in time the South Carolina Forestry Commission issues a RED FLAG Burning Ban there shall be no burning until the ban has been lifted.

**APPENDIX B. COMMERCIAL BURN PERMIT**

**Commercial Burn Permit**

**In accordance with Ordinance 2023-#.**

Annual Commercial Burn Permit must be obtained from the Fire Department every year for burning at a Business in City Limits. Commercial Burn Permits will be at the cost of \$50 per year. All burning shall be done in approved fire pits.

**Burn Permit Rules and Regulations**

- Fire must be attended at all times.
- If the fire gets off your property, the business owner will be responsible for damages.
- Only natural vegetation shall be burned. The fire shall **NOT** contain any **LUMBER**.
- No household garbage, tires, plastics, wires, insulation, furniture, or clothing may be burned.
- No types of starting fuel may be used.
- A copy of the burn permit shall be located at each business.
- A water source, a tool, and means of communication must be present at each burn site.
- Permit holders shall follow all weather requirements as set forth by the City of Walhalla Fire Department

Any permit issued may be revoked for the protection of life, property to prevent or to abate the nuisances caused by such burning. If the permit holder fails to comply with any terms or conditions of this permit, and as a result of the failure the City of Walhalla Fire Department is required to suppress a fire, the person or permit holder is responsible for the cost of fire suppression services in accordance with Ordinance 2023-# Section 5.

**Business Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Owners:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Fire Department Representative:** \_\_\_\_\_