

ARTICLE IV. - OUTDOOR BURNING

Sec. 30-104. - Definitions.

Land clearing debris means any waste generated by the removal of debris, logs, trees, brush, or demolition material from any site in preparation for land improvement or construction projects, which are not classified as forestry, wildlife, or agriculture as authorized by the South Carolina Forestry Commission.

Outdoor fireplace means an open recess for holding a fire at the base of a chimney. A structure, usually of stone or brick, for holding a fire. May be open site design built or manufactured and equipped with a small hearth opening and a short chimney opening in the top. Only solid fuels are allowed to be burned in an outdoor fireplace. Burning must be conducted in a safe manner and/or in accordance with manufacturer instructions where applicable.

Recreational fire means an outdoor fire burning *solid fuels* and or natural vegetation by general definition. Recreational fires shall not include the burning of yard debris or trash for disposal. Recreational fires shall be for religious, ceremonial, or recreational purposes only. Fires used for yard debris disposal purposes are not considered recreational fires and may be extinguished at the discretion of the fire chief or his designee. Recreational fires shall be exempt from general yard debris burning bans issued by the County of Lexington, unless specifically outlined within the ban or by outdoor burning ban as issued by the South Carolina Forestry Commission.

Solid fuels include fuelwood such as firewood, charcoal, chips, wood pellets, sawdust, peat, coal, Hexamine fuel tablets, and pellets made from natural wood.

Yard debris burn means open burning for the purpose of disposal of leaves, grass, weeds, grass clippings, pine straw, pine cones, prunings, and tree branches from a standing tree or yard trimmings grown on the premises of private residences or commercial properties and burned on those premises.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-105. - Penalty for violation of article.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and shall be subject to a fine or imprisonment in accordance with section 1-8.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-106. - Exemptions.

- (a) This article does not apply to vegetative debris burning related to forestry, wildlife and agricultural burns, as authorized by the state forestry commission and in compliance with regulations established by the department of health and environmental control.
- (b) Fires set for the purposes of training public fire service personnel, when authorized by the appropriate governmental entity, and fires set by a private industry as a part of an organized program of drills will be exempt only if the drills are solely for the purposes of firefighting training. The duration of the burning shall be held to the minimum time required for such purposes. Prior approval by DHEC is required only for sites which are not established training sites.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-107. - Compliance with article provisions.

- (a) No person shall kindle or maintain any open burning or authorize any such fire to be kindled or maintained within the unincorporated areas of the county except as stated in this article.
- (b) Smoke production must be ended and no combustible material may be added to a fire between official sunset of one day and official sunrise of the following day with the exception of fires in connection with the preparation of food for immediate consumption, fires used solely for human warmth or recreational fires as defined within this article.
- (c) Land clearing burns meeting the requirements of this article shall be conducted in accordance with time parameters already regulated by the DHEC air quality regulation 61-62.2. and 61-62.4
- (d) This article is not meant to restrict open burning in connection with the preparation of food for immediate consumption or for human warmth when done in a safe manner.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-108. - Location of open burning.

- (a) *Yard debris* burning for the purpose of disposal of leaves, grass, weeds, grass clippings, pine straw, pine cones, prunings, and tree branches from a standing tree or yard trimmings grown on the premises of private residences or commercial properties and burned on those premises must be located not less than 75 feet from any dwelling, building, outbuilding, barn, or shed structure and not less than 75 feet from the property line and adequate provision must be made to prevent the fire from spreading to within 75 feet of any property line, dwelling, building, outbuilding barn, or shed structure. Smoke production must be ended and no combustible material may be added to the fire between official sunset of one day and official sunrise of the following day.
- (b) *Land clearing and right of way maintenance* burning as defined in this article must be conducted in accordance with this article and the SC Department of Health and Environmental Control (DHEC) Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq. In order to conduct a land clearing or right of way maintenance burn, a permit from the fire code official must be obtained and burnings must be conducted a minimum of 1,000 feet from roadways, property lines and 1,000 feet from occupied structures not on the property where the burning is conducted. Open burning for the purpose of land clearing, and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).
- (c) *Recreational fires*, as defined in this article, may be burned for religious, ceremonial or recreational use. Recreational fires must be at least ten feet from dwelling structures. Fires used for yard debris disposal purposes are not considered recreational fires and may be extinguished at the discretion of the fire chief or his designee. Recreational fires shall be exempt from general yard debris burning bans issued by the County of Lexington unless specifically outlined within the ban or by outdoor burning ban as issued by the South Carolina Forestry Commission.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-109. - Attendant and fire extinguishing equipment required; notice to state forester; adherence to state law.

The burning must be constantly attended by a competent adult, aged 18 years or older, until such fire is extinguished. Such person shall have a water hose connected to a water supply, or other fire extinguishing equipment readily available for use. Proper notification shall be given to the state forester or his duly authorized representative or other persons designated by the state forester. The notice shall contain all information required by the state forester or his representative. The burning must be conducted in accordance with related state laws and regulations including, but not limited to, DHEC Air Quality Regulations 61-62.2 and 61-62.4 and S.C. Code 1976, § 48-35-10 et seq. and must adhere to South Carolina Smoke Management guidelines if applicable.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-110. - Fires shall be prohibited as follows.

- (a) The county fire chief or designee may prohibit open burning when atmospheric conditions, local circumstances or other conditions exist that would make such fires hazardous.
- (b) The following materials shall not be burned in an open fire: Asphalt and asphaltic materials, paint, plastics, metals, treated wood, paper, petroleum products, demolition debris, non-vegetative material, dead animals, construction debris except as listed in section 30-113, household chemicals, household garbage, tires, trade waste, and cardboard.
- (c) Open burning for the purpose of land clearing and right-of-way maintenance, except as specified by this article and DHEC Air Quality Regulations 61-62.2 and 61-62.4.
- (d) Open burning for the purpose of land clearing, and right-of-way maintenance shall be prohibited during the ozone season (April 1 through October 30).

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-111. - Criteria for determining hazards.

Reasonable criteria shall be established by the county fire chief or designee to assist in determining when outdoor fires may be hazardous. These criteria may include air quality standards, various fire danger indexes or when red flag alerts are established by the South Carolina Forestry Commission.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-112. - Prohibited on county roads, drainage rights-of-way and adjacent areas.

Open burning shall be prohibited on all county roads and drainage rights-of-way, or within an area that may cause damage to such areas.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-113. - Construction sites.

Open burning for human warmth may be conducted at construction sites with natural, untreated dimensional lumber, or solid fuel materials as defined in this article. The pile size shall be a maximum of two feet in diameter and 15 feet from combustible construction. No hazardous or artificial materials may be burned in the fire. The county fire chief or designee may prohibit open burning at construction sites when fires emitting smoke that is determined to be harmful or offensive to surrounding property owners is produced, or when atmospheric conditions, local circumstances, or other conditions make such fires hazardous.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-114. - Hazardous or toxic materials.

Hazardous or toxic materials shall not be burned.

([Ord. No. 17-11, § 1, 11-28-2017](#))

Sec. 30-115. - Civil and criminal liability.

The authorization to conduct an open burn does not relieve the individual responsible from civil or criminal liabilities resulting from the burning.

([Ord. No. 17-11, § 1, 11-28-2017](#).)

Sec. 30-116. - Conflicts of article with state law.

The provisions of this article shall prevail and be controlling over provisions of state law if such is allowed by state law. Otherwise, if any conflict arises between the provisions of this article and any state law, the provisions of state law shall prevail and be controlling.

([Ord. No. 17-11, § 1, 11-28-2017](#).)