



The Town of Hilton Head Island Special Public Safety Committee Meeting

Tuesday, February 11, 2014

5:00 p.m. – Benjamin M. Racusin Council Chambers

AGENDA

As a Courtesy to Others Please Turn Off All Cell Phones and Pagers during the Meeting

- 1. Call to Order**
- 2. Freedom of Information Act Compliance**
Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.
- 3. Approval of Minutes**
 - a. Regular Public Safety Committee Meeting of February 3, 2014
- 4. Unfinished Business**
 - a. Consideration of a Proposed Ordinance Regarding Open Burning of Yard Waste
- 5. New Business**

None
- 6. Adjournment**

Please note that a quorum of Town Council may result if four (4) or more of Town Council members attend this meeting.

TOWN OF HILTON HEAD ISLAND
PUBLIC SAFETY COMMITTEE REGULAR MEETING

Date: February 3, 2014

Time: 10:00 a.m.

Members Present: Marc A. Grant, *Chairman*; John J. McCann and Bill Harkins, *Council Members*

Members Absent: None

Town Staff Present: Greg DeLoach, *Assistant Town Manager*; and Lynn Buchman, *Administrative Assistant*

Others Present: Kim Likins, *Council Member*; Captain Joey Woodward, *Beaufort County Sheriff's Office*; Kiera Morris, *Beaufort County Sheriff's Office*; Toby McSwain, *Director of Security, Sea Pines Plantation*; Lt. JoAnn Jones, *Port Royal Plantation Security*; and Eleanor O'Key, *Lowcountry Inside Track*

Media Present: Tom Barton, *The Island Packet*

1. Call to Order

2. Freedom of Information Act Compliance

Public notification of this meeting has been published, posted, and mailed in compliance with the Freedom of Information Act and the Town of Hilton Head Island requirements.

3. Approval of Minutes

a. Regular Public Safety Committee Meeting of January 6, 2014

A motion to approve the minutes of the January 6, 2014 meeting of the Public Safety Committee was made by Mr. Harkins and seconded by Mr. McCann. The motion was approved by a vote of 3-0.

4. Unfinished Business

None

5. New Business

a. 4th Quarter 2013 Crime Statistics – Capt. Joey Woodward

Captain Joey Woodward of the Beaufort County Sheriff's Office presented a PowerPoint outlining the crime statistics for the 4th quarter of 2013, as more specifically cited in the Uniform Crime Report, which is included in the agenda packet.

Captain Woodward reported that crimes against persons in the 4th quarter of 2013 totaled 40, and he noted the breakdown in aggravated assaults, robberies, and forcible rapes. He reported the crimes against property totaled 192, and he noted the breakdown in burglaries, larcenies, and auto thefts,

which is considerably down from the 4th quarter of 2012. Mr. McCann inquired about the increase in aggravated assaults, which Captain Woodward indicated could be typical of a spike during the holiday season. They discussed the fact that the one forcible rape was an incident of a known offender, possibly in a domestic situation. Mr. Harkins asked for an update on the hit and run that occurred on South Forest Beach, which Captain Woodward indicated was being handled by the SC Highway Patrol and is still under investigation.

Captain Woodward reported the breakdown of the 194 total vehicle collisions for the 4th quarter of 2013, which he noted was a decrease from the 4th quarter of 2012, with the fatalities also being investigated by the SC Highway Patrol.

Captain Woodward gave a breakdown of the 3,698 total traffic tickets issued for the year 2013 by the patrol, the traffic team, and the warnings issued. Mr. McCann asked for statistics on tickets and/or warnings that may have been issued for texting while driving, and Captain Woodward indicated that while these figures would be included in the next quarter, he estimated that to date 15-20 warning tickets had been issued. He was not sure when actual tickets for this offense would commence, as they were continuing the public education, but he indicated it would start soon. Mr. Harkins noted the need to educate the public about the seriousness of the ban, and suggested the Sheriff's Office share the ticketing information with the press. Captain Woodward noted the School Resource Officers (SROs) are conveying the message to the students and teachers. In response to Mr. McCann's inquiry about whether a second warning would result in an automatic ticket, Captain Woodward indicated they are working on a method to track the warnings, which is not reflected on an individual's driving record. Captain Woodward provided the breakdown of the criminal tickets issued by patrol and traffic team for 2013, with no stats reported for marine tickets for 2013.

Captain Woodward cited the 817 volunteer hours in 2013 for reserve deputies and 2,339.25 hours for volunteers, which Mr. McCann noted was outstanding, and which Captain Woodward agreed enabled the department to perform better.

Captain Woodward concluded his presentation with a detailed breakdown of the 220 drug violations for 2012 – 2013. Mr. Harkins asked if data was available to recast the breakdown by age groups, to help educate the community and motivate them to take action. Captain Woodward indicated this could be obtained from the incident reports, and he would include this in next quarter's report. Captain Woodward clarified for Mr. McCann that the drug violations cited were definitely tickets, but most could also be arrests. He pointed out the areas where the violations occurred, most of which were outside the gated communities. He also noted that most of the drug dealing is being done by those from out of town, as you rarely find someone locally who is the actual distributor.

Chairman Grant inquired if enforcement of illegal marijuana use had changed locally, and Captain Woodward indicated enforcement was taken seriously and would continue as long as there is a State law prohibiting smoking, possession, and trafficking of marijuana. Chairman Grant also noted the higher figures in non-gated communities for aggravated assaults and the increased presence of police in those areas, and asked if this is a good deterrent to crime or if other solutions are needed to reduce such incidents. Captain Woodward offered tips for everyone, whether in a gated community or not, including vigilance, watching their neighbors, and calling in suspicious activities, combined with increased police presence. Chairman Grant asked about the absence of marine tickets in the statistics presented, and Captain Woodward explained that the Sheriff's Office is attempting to capture better statistics, as most of the violations from the marine patrol are at the magistrate level. While they are continuing to patrol the marinas and boat ramps, the figures are not being captured because a lot of the violations are not occurring within the Town jurisdiction.

Kim Likins, the Ward 4 Representative on Town Council, noted that Dr. Sharma, head of Neighborhood Outreach, was opening a facility on the southend of Hilton Head Island around Hilton Gardens apartments. He had expressed concerns to her about the higher incidents of drugs and crimes against persons in the South Forest Beach area as it related to the safety of his volunteers working in that area. Ms. Likins asked if there were issues in that particular area, and if so, if there was a remedy that could be found. Captain Woodward noted the Sheriff's Office is aware and has identified trouble spots in that area, and they are working on the problem. As will be reported in the next quarter's report, he reported there have been several arrests made, with investigations ongoing and increased patrols occurring, which should make the area safer.

Chairman Grant thanked Captain Woodward for his report.

Adjournment

At 10:16 a.m. Chairman Grant moved to adjourn the meeting and Mr. McCann seconded. The motion was approved by a vote of 3-0.

Respectfully submitted:

Lynn W. Buchman
Administrative Assistant

Approved by:

Marc A. Grant, Chairman

MEMORANDUM

TO: Public Safety Committee, Town of Hilton Head Island, remaining Council members

FROM: Lavarn Lucas, Fire Chief

Via: Brian E. Hulbert, Staff Attorney
Gregory D. DeLoach, Esquire, Assistant Town Manager
Stephen G. Riley, ICMA-CM, Town Manager

RE: Proposed Ordinance Number 2014-04, allowing the outdoor burning of yard waste in the Town of Hilton Head Island

DATE: February 4, 2014

Recommendation:

That the Town consider adopting proposed ordinance 2014-04 which would allow residential open burning of yard waste during four (4) weeks per year with designated restrictions.

Summary:

Based upon the request of Town Council, staff has drafted the attached Proposed Ordinance Number 2014-04, repealing Title 9, Chapter 7 of the Municipal Code (Open Burning) and enacting a new Title 9, Chapter 7 (Outdoor Burning).

Burning of yard waste would be allowed in accordance with the rules set forth in this ordinance and the International Fire Code which has been adopted by Town Council. Burning of yard waste would be allowed on the first Saturday through Friday of March, April, November and December from sunrise to sunset.

These months were selected because more burning permits and illegal burns have been documented to have taken place in these months. They were selected after consulting with the Town's Sustainable Practices Coordinator.

The proposed ordinance 2014-04 would allow more burning than the current and previous ordinances allowed. The regulations existing since 1999 have stipulated that only one pile of material may be burned at one time and a fire could be no larger than 3 feet by 2 feet. If these regulations were to remain in effect and the Town was to permit open burning for four weeks per year, it might require that burning take place continuously throughout the burn week for those locations with a significant amount of yard waste. As proposed, this ordinance eliminates some of the previous limitations and now references the regulations as specified in the adopted International Fire Code. These differences are noted in Table A.

Council has expressed some concerns about how the existing ordinance and regulations govern recreational burns. The ordinance and regulations in question have existed for the most part since 1999. Only minor changes were made in the November 2013 ordinance revision. A

comparison of our ordinance with the International Fire Code confirmed that our ordinance may have been more restrictive than the International Fire Code requires. As such, this proposed ordinance eliminates the previous stated regulations and now references the regulations as specified in the International Fire Code. The differences are noted in Table B.

The proposed ordinance eliminates the language which stated that the Fire Chief had the authority to extinguish fires when deemed to be a public nuisance or when a complaint that there was a public health hazard was reported to the Town. The proposed ordinance will still allow the Fire Chief to order the extinguishment of any fire that is determined to be a risk to public safety.

This proposed ordinance also removes the option for open burning by special permit for exceptional circumstances. This provision is no longer considered to be necessary because burning will now be allowed for four weeks per year in conjunction with the debris pick up program.

This proposed ordinance requires a permit to burn yard waste and requires that burning be registered on the day of a burn. The permit will be issued for an applicant to burn at the site requested for so long as the applicant resides at that location. Registering on the day of a burn is necessary so that Fire Rescue can spot check the burning to ensure that burning is taking place in accordance with the ordinance and regulations. This is necessary to comply with the Council adopted recommendation contained within the 2013 Fire Rescue Strategic Plan. Recommendation BFP-07 reads in part, *Fire Rescue should increase enforcement of current open burning regulations...*

Background:

Prior to November 2013, burning regulations were governed by a Town ordinance which was adopted June 15, 1999. Those regulations stayed in effect until the current regulations were enacted in November 2013. The November 2013 ordinance prohibited the outdoor burning of yard waste.

After much discussion surrounding how residents will now be able to dispose of their yard waste, Staff was requested to draft a proposed ordinance which would put forth a compromise between the previous allowance of burning for 26 weeks during the year and the current prohibition of burning yard waste.

Table A

Yard Waste Fires

1999 Ordinance Requirements	Proposed Ordinance & Fire Code
<ul style="list-style-type: none">• Only 1 pile per site• All fires must be at least 50' from any structure or stored combustible materials and no larger than 3' by 2'.	<ul style="list-style-type: none">• No limitation on the number of piles• Fires in an approved container must be at least 15' from any structure or stored combustible materials.• Fires no larger than 3' by 2' must be at least 25' from any structure or stored combustible materials.• Fires larger than 3' by 2' must be at least 50' from any structure or stored combustible materials.

Table B

Recreational Fires

2013 Ordinance Requirements	Proposed Ordinance & Fire Code
<ul style="list-style-type: none">• Fires NOT in an approved container must be at least 50' from any structure or stored combustible materials and no larger than 3' by 2'.• Fires IN an approved container must be at least 15' from any structure or stored combustible materials.	<ul style="list-style-type: none">• Fires NOT in an approved portable container must be at least 25' from any structure or stored combustible materials and no larger than 3' by 2'.• 1 and 2 Family Dwellings – No limitations on distance when fire is in an approved portable container.• Non 1 and 2 Family Dwelling - Fires IN an approved portable container must be at least 15' from any structure or stored combustible materials.

AN ORDINANCE OF THE TOWN OF HILTON HEAD ISLAND

ORDINANCE NO. 2014-

PROPOSED ORDINANCE NO. 2014- 04

AN ORDINANCE TO REPEAL CHAPTER 7 OF TITLE 9 OF THE MUNICIPAL CODE OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA AND TO ENACT A NEW CHAPTER 7 OF TITLE 9, OUTDOOR BURNING; AND PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Town Council of the Town of Hilton Head Island, South Carolina previously adopted Ordinance 2013-12, Chapter 7 of Title 9 entitled “Open Burning” on November 5, 2013; and

WHEREAS, many residents of Hilton Head Island have expressed that a hardship in the ability to dispose of yard waste has been created by the prohibition of open burning of yard waste.

WHEREAS some residents have expressed concern that the existing restrictions on recreational burning is considered overly restrictive; and

WHEREAS Town Council finds that it is in the best interests of the residents of Hilton Head Island to allow some outdoor burning of yard waste during certain parts of the year; and

WHEREAS Town Council finds that it is in the best interests of the residents of Hilton Head Island to change the restrictions on recreational burning; and

WHEREAS, the Town Council now desires to repeal the current Chapter 7 of Title 9, Open Burning and enact a new Chapter 7 of Title 9, Outdoor Burning.

NOW, THEREFORE, BE IT ORDERED AND ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF HILTON HEAD ISLAND, SOUTH CAROLINA; AND IT IS ORDAINED BY THE AUTHORITY OF THE SAID TOWN COUNCIL, AS FOLLOWS:

NOTE: Underlined and bold-face typed portions indicate additions to the Municipal Code. ~~Stricken~~ portions indicate deletions to the Municipal Code.

Section 1. Amendment.

- A. That Chapter 7 of Title 9 (Open Burning) of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby repealed.

~~Chapter 7~~
OPEN BURNING

~~Sec. 9-7-10. Definitions.~~

- ~~(a) Applicant(s). Individual(s) seeking a permit to conduct a fire.~~
- ~~(b) Burn Permit. A legal document issued by the Fire Chief on behalf of the Town granting temporary permission to conduct a fire.~~
- ~~(c) Commercial burn. Burning performed for the purpose of commercial profit, land clearing, and all other burning not classified as residential burning or recreational fire.~~
- ~~(d) Fire Chief. The individual in charge of Fire & Rescue. For the purpose of this chapter, the Fire Chief may designate members of Fire & Rescue as his designee.~~
- ~~(e) Fire extinguishing equipment. A garden hose connected to a water supply or other approved equipment including but not limited to, a 2A:10BC fire extinguisher, 2.5 gallon pressurized water fire extinguisher or a 5 gallon bucket of sand.~~
- ~~(f) Natural vegetation. Including, but not limited, to grass, pine straw, pine cones, tree limbs, branches, leaves and similar items of yard waste.~~
- ~~(g) Open burning. The burning natural vegetation, outdoors when it is not contained within an incinerator, outdoor fireplace, barbecue grill, or barbecue pit.~~
- ~~(h) Outdoor Fireplace—An assembly consisting of a hearth and fire chamber or similar prepared place of noncombustible material in which a fire may be made and which is built in conjunction with a chimney and receives a Town issued building permit.~~
- ~~(i) Recreational fire. A fire for the purpose of pleasure, religious, ceremonial, or other similar purposes not including a fire intended for disposal of waste wood, pine straw, leaves, grass or trash.~~
- ~~(j) Trash. All waste material not defined as natural vegetation.~~

~~Sec. 9-7-20. Open Burning Prohibited.~~

~~No individual or group of individuals shall be allowed to kindle or maintain any open burn, or to allow any such fire to be kindled or maintained. Open burning is prohibited except for the following:~~

- ~~(a) Outdoor Cooking. This ordinance shall not apply to outdoor fixed and portable barbecues, food smoking units, and outdoor cooking stoves.~~
- ~~(b) Outdoor Fireplace which receives a Town issued building permit and is properly maintained.~~
- ~~(c) Recreational Fires.
 - ~~(1) Recreational fires contained within a container, pit, barrel, or other non-combustible enclosure intended for recreational fires or cooking must be located at least 15 feet from any structure or stored combustible materials. Examples of containers are metal fire rings or burn barrels, manufactured units for open flame type burning (such as a chimeneas and fire pits), other non-combustible constructed enclosures with a minimum depth of 12 inches and completely enclosed by a non-combustible material such as steel, brick, masonry or stone lining the perimeter. An exception to the minimum depth must be approved by the Fire Chief.~~
 - ~~(2) Recreational fires not contained in a pit, barrel, or other non-combustible enclosure intended for recreation or cooking shall not be conducted within 50 feet of any structure or stored combustible material.~~~~

- ~~(3) — A recreational fire shall not include a fire intended for disposal of waste wood, pine straw, leaves, grass or trash.~~
 - ~~(4) — A recreational fire shall not exceed an area greater than three feet in diameter and two feet in height, unless an exception is approved by the Fire Chief. Only one recreational fire may burn at a time on any site, unless an exception is approved by the Fire Chief.~~
 - ~~(5) — Recreational fires are restricted to burning natural vegetation, commercially prepared fireplace logs, and charcoal, but shall not include the burning of trash or items of yard waste including but not limited to pine straw, leaves, grass.~~
 - ~~(6) — Prior to burning, the automated burn permit line shall be called to determine if burning is allowed on that day.~~
 - ~~(7) — A competent adult who is capable of controlling the fire, taking emergency action, and calling for assistance is required at the site at all times while the fire is burning.~~
 - ~~(8) — The individual responsible for the recreational fire shall maintain a garden hose connected to a water supply where water is available. If water is not available, then alternate approved fire extinguishing equipment shall be on hand to control and extinguish the fire.~~
 - ~~(9) — No accelerants can be utilized to start a fire with the exception of charcoal lighter fluid. Such prohibited accelerants include, but are not limited to, gasoline, diesel fuel, or any other type of flammable fluid.~~
 - ~~(10) — Fires that illuminate the beach shall be extinguished prior to 10:00 p.m. from May 1st to October 31st.~~
 - ~~(11) — The Fire Chief shall be allowed access to inspect the property on which any recreational fire is located. The Fire Chief is authorized to require any recreational fire that is determined to be in an unsafe container or is a public safety or health hazard to be extinguished immediately.~~
 - ~~(12) — No fires shall be allowed when an extraordinary fire hazard is declared as set forth in Sec. 9-7-40.~~
- ~~(d) — Open Burning by special permit — Exceptional Circumstances — Debris in the form of natural vegetation generated at the site of a one or two family dwelling as a result of severe windstorm, hurricane, tornado, or other natural disasters may be burned with approval of the Town Manager and the Fire Chief for a specific and limited timeframe. Prior to burning a permit is required to be obtained and the following regulations shall apply.~~
- ~~(1) Burning may occur on the dates listed on the permit between the hours of 9:00 a.m. and 6:00 p.m. or sunset, whichever occurs first. All open burning fires shall be fully extinguished by 6:00 p.m. or sunset, whichever occurs first.~~
 - ~~(2) The individual responsible for the burning shall have an approved permit in their possession at the site.~~
 - ~~(3) Prior to burning, the automated burn permit line shall be called to determine if burning is allowed on that day.~~
 - ~~(4) A competent adult who is capable of controlling the fire, taking emergency action, and calling for assistance is required at the site at all times.~~

- ~~(5) The individual responsible for the burning shall maintain a garden hose connected to a water supply where water is available. If water is not available, then alternate approved fire extinguishing equipment shall be on hand to control and extinguish the fire.~~
- ~~(6) Burning is restricted to burning natural vegetation generated at the site and shall not include trash.~~
- ~~(7) Burning shall not be conducted within 50 feet of any structure or stored combustible material.~~
- ~~(8) The fire shall not exceed an area greater than three feet in diameter and two feet in height, unless an exception is approved by the Fire Chief. Only one recreational fire may burn at a time on any site, unless an exception is approved by the Fire Chief.~~
- ~~(9) The Fire Chief shall cause to be published in a newspaper of general circulation within the Town of Hilton Head Island, a public notice of the dates that will be authorized for burning by special permit. The Fire Chief shall cause to be published in a newspaper of general circulation, within the Town of Hilton Head Island, a public notice of revocation of any dates in which burning by special permit are revoked.~~

~~Sec. 9-7-30. Commercial burning.~~

~~Commercial burning is prohibited except for:~~

- ~~(a) — *Storm debris.* Debris in the form of natural vegetation generated as a result of severe windstorms, hurricanes, tornadoes, or other natural disasters may be burned at approved sites in accordance with the Town's Debris Management Plan and with a permit issued by the Fire Chief and all other appropriate permitting agencies. All man-made materials and processed natural materials shall be disposed of in accordance with Federal Environmental Protection Agency and State Department of Health and Environmental Control Regulations.~~
- ~~(b) — Outdoor Fireplace which receives a Town issued building permit and is properly maintained.~~
- ~~(c) — *Bonfires, ceremonial.* Local schools may be issued special permits to conduct a bonfire. Items that may be burned in a bonfire are limited to untreated wood/lumber and other natural unprocessed forest products. The permit shall list the fuel area size limitations applicable to this burn. Inspections by the Fire Chief are required prior to and during the construction of the bonfire.~~
- ~~(d) — Recreational fires at commercial businesses. Commercial businesses may conduct recreational fires when contained within a container approved by the Fire Chief.
 - ~~(1) — Recreational fires contained within a pit, barrel, or other non-combustible enclosure must be located at least 15 feet from any structure or stored combustible materials. Examples of containers are metal fire rings or burn barrels, manufactured units for open flame type burning (such as a chimeneas and fire pits), constructed fire pits with a minimum depth of 12 inches and completely enclosed by a non-combustible material such as steel, brick,~~~~

masonry or stone lining the perimeter, unless an exception is approved by the Fire Chief.

- (2) ~~A recreational fire shall not include a fire intended for disposal of waste wood, pine straw, leaves, grass or trash.~~
- (3) ~~A recreational fire shall not exceed an area greater than three feet in diameter and two feet in height, unless an exception is approved by the Fire Chief.~~
- (4) ~~Recreational fires are restricted to burning natural vegetation, commercially prepared fireplace logs, and charcoal, but shall not include the burning of trash or items of yard waste including but not limited to, pine straw, leaves, grass.~~
- (5) ~~Prior to burning, the automated burn permit line shall be called to determine if burning is allowed on that day.~~
- (6) ~~A competent adult who is capable of controlling the fire, taking emergency action, and calling for assistance is required at the site at all times while the fire is burning.~~
- (7) ~~The individual responsible for the recreational fire shall maintain a garden hose connected to a water supply where water is available. If water is not available, then alternate approved fire extinguishing equipment shall be on hand to control and extinguish the fire.~~
- (8) ~~No accelerants can be utilized to start a fire with the exception of charcoal lighter fluid. Such prohibited accelerants include, but are not limited to, gasoline, diesel fuel, or any other type of flammable fluid.~~
- (9) ~~Fires that illuminate the beach shall be extinguished by 10:00 p.m. from May 1st to October 31st.~~
- (10) ~~The Fire Chief shall be allowed access to inspect the property on which any recreational fire is located. The Fire Chief is authorized to require any recreational fire that is determined to be in an unsafe container or is a public safety or health hazard to be extinguished immediately.~~
- (11) ~~No fires shall be allowed when an extraordinary fire hazard is declared as set forth in Sec. 9 7 40.~~

~~Sec. 9 7 40. Extraordinary fire hazards.~~

- (a) ~~The Fire Chief shall have the authority to declare the existence of an extraordinary fire hazard when, due to climatic, meteorological or other conditions, the forest, grass, woods, wild lands, fields, or marshes within the Town of Hilton Head Island become so dry or parched as to create a fire hazard endangering life and property. The declaration and restrictions for burning shall remain in effect until such time as the Fire Chief determines that the extraordinary conditions which threaten life and property no longer exist.~~
- (b) ~~After declaration of an extraordinary fire hazard, the Fire Chief shall cause to be published in a newspaper of general circulation within the Town of Hilton Head Island, a public notice of declaration of an extraordinary hazard.~~
- (c) ~~The Fire Chief shall cause to be published in a newspaper of general circulation within the Town of Hilton Head Island a public notice of revocation of the declared extraordinary fire hazard.~~

~~(e) During a declared extraordinary fire hazard, burning of any kind shall not be allowed with the exception of outdoor cooking such as outdoor fixed and portable barbecues, food smoking units, and outdoor cooking stoves.~~

~~Sec. 9-7-50 Violations~~

~~(a) The Fire Chief is authorized to order the extinguishment of any fire that violates the provisions of this chapter or creates a public safety hazard, public nuisance or a public health hazard.~~

~~(b) Any individual(s) violating any provision of this chapter shall be subject to the penalties set forth in section 1-5-10 of this Code. Each day's continued violation constitutes a separate offense.~~

B. A new Chapter 7 of Title 9 (Outdoor Burning) of the Municipal Code of the Town of Hilton Head Island, South Carolina, is hereby adopted; **see Attachment "A"** for language of new ordinance.

Section 2. Severability. If any section, phrase, sentence or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 3. Effective Date. This Ordinance shall become effective April 1, 2014.

PASSED, APPROVED, AND ADOPTED BY THE COUNCIL FOR THE TOWN OF HILTON HEAD ISLAND ON THIS ____ DAY OF _____, 2014.

Drew A. Laughlin, Mayor

ATTEST:

Vicki Pfannenschmidt, Town Clerk

First Reading: _____

Second Reading: _____

Approved as to form: _____
Gregory M. Alford, Town Attorney

Introduced by Council Member: _____

Attachment "A"

Chapter 7 OUTDOOR BURNING

Sec. 9-7-10. Definitions.

- (a) Applicant(s): Individual(s) seeking a permit to conduct outdoor burning and who will be held responsible for conducting the fire.
- (b) Burn Permit: A document issued by the Fire Chief on behalf of the Town granting permission to conduct a fire within the specified time frames and regulations.
- (c) Commercial burn: Burning performed on commercial property or for the purpose of commercial profit, land clearing, and all other burning not classified as open burning or a recreational fire.
- (d) Currently Adopted International Fire Code: The edition of the International Fire Code most recently adopted by Town Council and which remains in effect as a law enforceable within the Town.
- (e) Fire Chief: The individual in charge of Fire Rescue. For the purpose of this chapter, the Fire Chief may designate members of Fire Rescue as his designee.
- (f) Open burning: The burning of yard waste other than yard waste authorized to be burned as part of a recreational fire.
- (g) Recreational fire: A fire for the purpose of pleasure, religious, ceremonial, or other similar purposes not including a fire intended for disposal of construction waste, yard waste (with the exception of tree limbs, branches and pine cones) or trash.
- (h) Trash: Anything that can be fuel for fire which includes but is not limited to combustible and noncombustible waste materials such as paper, rags, cartons, tin cans, metals, mineral matter, glass crockery, food, garbage, and discarded furniture and tires.
- (i) Yard waste: Including, but not limited, to grass, tree limbs, branches, leaves, pine straw, pine cones and similar items.

Sec. 9-7-20. General Prohibitions.

- (a) It shall be unlawful for a person to kindle or maintain any outdoor fire, or to allow any such fire to be kindled or maintained unless it is in accordance with this chapter.
- (b) It shall be unlawful for a person to engage in outdoor burning within the Town of Hilton Head Island unless the burning is specifically permitted by this article and in accordance with the currently adopted edition of the International Fire Code.
- (c) It shall be unlawful for a person to engage in the outdoor burning of trash within the Town of Hilton Head Island.
- (d) It shall be unlawful for a person to engage in the open burning of yard waste within the Town of Hilton Head Island except during the first Saturday through Friday of the months of March, April, November and December. Burning of yard waste shall be in accordance with the edition of the International Fire Code adopted by Town Council at the time of the burning and the following:

- (1) A permit to burn must be obtained from Hilton Head Island Fire Rescue prior to any open burning.
 - (2) A permit issued by Hilton Head Island Fire Rescue shall state the rules and regulations related to open burning and shall be issued to a specific individual for a specific residential address.
 - (3) A permit shall remain valid for the person issued to at the residence issued for as long as the person resides at the residence.
 - (4) The applicant shall call the Town of Hilton Head Island Communications Center the day of the intended burn to determine if open burning is permitted on that date. The applicant shall provide their permit number, name, address and telephone number to the Communications Center. Failure to register with the Communications Center on each occasion or failure to follow the regulations as stated on the permit may result in revocation of the permit and shall be considered a violation of this ordinance.
 - (5) Burning may occur between the hours of sunrise and sunset. All open burning fires shall be completely extinguished prior to sunset. A smoking or smoldering fire will not be considered a completely extinguished fire.
 - (6) If burning is prohibited for a significant portion of one of the weeks open burning is permitted due to weather conditions, an alternative time frame may be set.
 - (7) No accelerants may be utilized to start a fire with the exception of charcoal lighter fluid. Such prohibited accelerants include, but are not limited to, gasoline, diesel fuel, or any other type of flammable liquid.
 - (8) Burning is restricted to the burning of yard waste which is generated at that particular site and shall not include trash or yard waste from a different site.
 - (9) The Fire Chief shall be allowed access to inspect the property on which any open burning is occurring. The Fire Chief is authorized to require any open burning fire that is determined to be unsafe or is determined by him, or his designee, to be a public safety hazard to be extinguished immediately.
- (e) It shall be unlawful for a person to engage in commercial burning within the Town of Hilton Head Island except for the following:
- (1) Storm debris. Debris in the form of natural vegetation generated as a result of severe windstorms, hurricanes, tornadoes, or other natural disasters may be burned at approved sites in accordance with the Town's Debris Management Plan and with a permit issued by the Fire Chief and all other appropriate permitting agencies. All man-made materials and processed natural materials shall be disposed of in accordance with Federal Environmental Protection Agency and State Department of Health and Environmental Control Regulations.

Sec. 9-7-30. Exemptions.

- (a) Recreational Fires at residential and commercial properties shall be allowed in accordance with the currently adopted edition of the International Fire Code and the following:

- (1) Prior to burning, the automated burn line shall be called to determine if burning is authorized on that day.
 - (2) A recreational fire shall not include a fire intended for disposal of trash or yard waste such as pine straw, leaves, grass. A recreational fire may include pine cones, tree branches and tree limbs.
 - (3) Recreational fires are restricted to the burning of approved natural vegetation, commercially prepared fireplace logs, and charcoal, but shall not include the burning of trash or items of yard waste including but not limited to pine straw, leaves, or grass.
 - (4) No accelerants may be utilized to start a fire, with the exception of charcoal lighter fluid. Such prohibited accelerants include, but are not limited to, gasoline, diesel fuel, or any other type of flammable fluid.
 - (5) Fires that illuminate the beach shall be extinguished prior to 10:00 p.m. from May 1st to October 31st.
 - (6) No fires shall be allowed when an extraordinary fire hazard condition is declared as set forth in Section 9-7-40.
 - (7) The Fire Chief shall be allowed access to inspect the property on which any recreational fire is located. The Fire Chief is authorized to require any recreational fire that is determined to be unsafe or a public safety hazard be extinguished immediately.
- (b) Bonfires. Bonfires shall be allowed in accordance with the currently adopted edition of the International Fire Code.
 - (c) Outdoor Cooking. This ordinance shall not apply to outdoor fixed and portable barbecue grills, food smoking units, and outdoor cooking stoves.
 - (d) Outdoor Fireplaces. This ordinance shall not apply to outdoor fireplaces which have received a Town issued building permit and are properly maintained.

Sec. 9-7-40. Extraordinary fire hazard conditions.

- (a) The Fire Chief shall have the authority to declare the existence of an extraordinary fire hazard condition when, due to climatic, meteorological or other conditions, the forest, grass, woods, wild lands, fields, or marshes within the Town of Hilton Head Island become so dry or parched as to create a fire hazard endangering life and property. The declaration and restrictions on burning shall remain in effect until such time as the Fire Chief determines that the extraordinary conditions which threaten life and property no longer exist.
- (b) After declaration of an extraordinary fire hazard condition, the Fire Chief shall cause to be printed in a newspaper of general circulation within the Town of Hilton Head Island, a public notice of declaration of an extraordinary hazard condition.
- (c) The Fire Chief shall cause to be printed in a newspaper of general circulation within the Town of Hilton Head Island a public notice of revocation of the declared extraordinary fire hazard conditions after the Fire Chief determines that the extraordinary conditions which threaten life and property no longer exist.
- (d) During a declared extraordinary fire hazard condition, burning of any kind shall not be allowed, with the exception of outdoor cooking such as outdoor fixed and

portable barbecue grills, food smoking units, outdoor cooking stoves, and outdoor fire places.

Sec. 9-7-50 Violations

- (a) **The Fire Chief is authorized to order the extinguishment of any fire that violates the provisions of this chapter or he determines creates a public safety hazard.**
- (b) **Any individual(s) violating any provision of this chapter shall be subject to the penalties set forth in Section 1-5-10 of this Code. Each days continued violation shall constitute a separate offense.**