

ORDINANCE NO. 2018-_____

AN ORDINANCE OF THE VILLAGE OF BALD HEAD ISLAND, NORTH CAROLINA TO REGULATE THE USE OF FIRES FOR COOKING, HEATING, AND RECREATIONAL PURPOSES

WHEREAS, pursuant to N.C. Gen. Stat. § 160A-174, the Village of Bald Head Island (the “Village”) may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and peace and dignity of the Village;

WHEREAS, the Village Department of Public Safety (the “Department”) is trained and equipped to fight fires when and if they occur;

WHEREAS, despite the Department’s training and preparedness, the unique geography and means of accessing the island by ferry from the mainland create a situation in which a large scale fire affecting multiple structures or the maritime forest would be difficult to control with the personnel and assets readily available on the island during a normal shift of the Department;

WHEREAS, in 1989 the North Carolina General Assembly formally recognized the importance of protecting and preserving maritime forests for research, education, and other public uses when it created the North Carolina Coastal Reserve System, which system includes the Bald Head Island Maritime Forest; and

WHEREAS, for public safety and preservation of the maritime forest, the Village Council wishes to regulate and limit the use of fires for both residential and commercial purposes;

WHEREAS, the Village Council has determined it to be in the best interests of the Village to adopt this amendment to the Village Code of Ordinances.

NOW, THEREFORE, BE IT ORDAINED, by the Village of Bald Head Island, North Carolina that:

Section 1. That section 12-53 of the Village Code is hereby amended and restated to read as follows:

Sec. 12-53. Exemptions.

It shall be unlawful for any individual or entity to start, maintain, or permit any fire to exist in the Village of Bald Head Island except as shall be specifically permitted by the director of public safety pursuant to section 12-54 and only to the extent and under the conditions therefore as set forth on the permit. The following fires shall be exempt from the provisions of this division:

- (1) Cooking fires contained within a commercially available, solid-fuel burning, portable, outdoor cooking appliance, but only to the extent that such portable

appliance shall be located at least ten (10) feet from any structure and within twenty-five (25) feet of a permanent water source connected to a hose that is able to reach the location of the appliance, and shall not be located upon any wood or composite deck or balcony attached to such structure or underneath any roofed structure, including any porch, awning, or balcony overhang of a structure;

(2) Fires, including those used for cooking and warmth, that burn liquefied petroleum gas (LP), but only to the extent that such fires are not located underneath any roofed structure, including any porch, awning, or balcony overhang of a structure;

(3) Cooking fires contained within a stationary, solid-fuel burning, outdoor cooking appliance that is installed as part of an outdoor living or recreational space constructed in conformance with the requirements of the Building Code, or that was constructed in conformance with the Building Code on the date of construction if such date was prior to June 27, 2018;

(4) Fires that are primarily for the purpose of generating warmth that are contained within a commercially available, solid-fuel burning, portable fire pit, table, or similar appliance that has a solid or screened enclosure that can be placed over the top of the appliance to prevent embers or other burning material from escaping while the appliance is in use, but only to the extent that such appliance shall be located at least ten (10) feet from any structure and within twenty-five (25) feet of a permanent water source connected to a hose that is able to reach the location of the appliance, and shall not be located upon any wood or composite deck or balcony or underneath any roofed structure, including any porch, awning, or balcony overhang of a structure; and

(5) Fires that are primarily for the purpose of generating warmth within or on an outdoor living or recreational space attached to a residential or commercial structure that are constructed and contained entirely within a stationary fireplace or fireplace stove that conforms with the requirements of the Building Code, or that was in conformance with the Building Code on the date of construction or installation if such date was prior to June 27, 2018.

All fires permitted under Section 12-54 or exempted from the provisions of this division pursuant to this section shall be attended by a person eighteen (18) years of age or older while in use. No fire may be left unattended at any time. All fires must be fully extinguished with water, sand or another appropriate material, or if fueled by flammable gases or liquids, turned off or the fuel source disconnected, when not in use.

Section 2. This ordinance shall become effective upon adoption.

Passed and adopted by the Village Council this the ____ day of _____, 2018.

BY: _____
J. ANDREW SAYRE, Mayor

ATTEST:

DARALYN SPIVEY, Village Clerk