GENERAL ASSEMBLY OF NORTH CAROLINA SESSION 2005

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HOUSE BILL 462

Short Title:	Presence Required During Open Burning.	(Public)
Sponsors:	Representatives Adams; Harrison, Hunter, Jeffus, Jones, and We	omble.
Referred to:	Environment and Natural Resources.	
March 3, 2005		
	Α ΟΠ Ι ΤΟ ΟΕ ΕΝΤΙΤΙ ΕΓ	

1		A BILL TO BE ENTITLED
2	AN ACT TO I	REQUIRE ANY PERSON UNDERTAKING AN OPEN BURNING,
3	WHETHER	SUBJECT TO A PERMIT OR NOT, TO BE PRESENT ON THE SITE
4	THROUGH	OUT THE PERIOD OF THE BURNING.
5	The General As	sembly of North Carolina enacts:
6	SECT	FION 1. G.S. 113-60.22 reads as rewritten:
7	"§ 113-60.22. I	Definitions.
8	As used in the	nis Article:
9	(1)	"Department" means the Department of Environment and Natural
10		Resources.
11	(2)	"Forest ranger" means the county forest ranger or deputy forest ranger
12		designated under G.S. 113-52.
13	<u>(2a)</u>	"Open burning" means the burning of any matter in such a manner that
14		the products of combustion resulting from the burning are emitted
15		directly into the atmosphere without passing through a stack, chimney,
16		or a pollution control device permitted under Article 21B of Chapter
17		143 of the General Statutes.
18	(3)	"Person" means any individual, firm, partnership, corporation,
19		association, public or private institution, political subdivision, or
20		government agency.
21	(4)	"Woodland" means woodland as defined in G.S. 113-57."
22	SECT	FION 2. G.S. 113-60.26 reads as rewritten:
23	"§ 113-60.26. F	Permit conditions.
24	Permits issu	ned under this Article shall be issued in the name of the person
25	undertaking the	burning and shall specify the specific area in which the burning is to

undertaking the burning and shall specify the specific area in which the burning is to occur, the type and amount of material to be burned, the duration of the permit, and such other factors as are necessary to identify the burning which is allowed under the permit. The person undertaking the burning shall be present on the site until the fire is

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1	extinguished and shall be in charge of the burning throughout the period of the burning,
2	and the permit shall specify these conditions."
3	SECTION 3. G.S. 113-60.28 is amended by adding a new subsection to
4	read:
5	"(d) If open burning is commenced in an area in which no permit is required under
6	G.S. 113-60.23 or G.S. 113-60.24, the person undertaking the burning shall be present
7	on the site until the fire is extinguished and shall be in charge of the burning throughout
8	the period of the burning."
9	SECTION 4. This act becomes effective October 1, 2005, and applies to
10	open burning, defined by G.S. 113-60.22, as amended under Section 1 of this act, that
11	occurs on or after that date.