

# HOUSE BILL 465

L2

3lr2191  
CF SB 424

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By: **Delegate Otto**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 13, 2013

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Somerset County – Emergency Burning Ban – Adoption and Enforcement**

3 FOR the purpose of authorizing the County Commissioners of Somerset County to  
4 adopt a certain emergency burning ban; prohibiting a person from starting or  
5 allowing any open air burning during an emergency burning ban; exempting  
6 certain ~~supervised~~ burning activities from a certain emergency burning ban;  
7 authorizing the County Commissioners, by resolution, to set a fine for a  
8 violation of a certain emergency burning ban; authorizing the Sheriff of  
9 Somerset County and the Sheriff's deputies to assess a certain fine against any  
10 person believed to be in violation of a certain emergency burning ban; defining  
11 certain terms; and generally relating to the adoption and enforcement of an  
12 emergency burning ban in Somerset County.

13 BY adding to

14 The Public Local Laws of Somerset County

15 Section 2–416

16 Article 20 – Public Local Laws of Maryland

17 (2003 Edition and 2009 Supplement, as amended)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
19 MARYLAND, That the Laws of Maryland read as follows:

20 **Article 20 – Somerset County**

21 **2–416.**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1           (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE  
2 MEANINGS INDICATED.

3           (2) “EMERGENCY BURNING BAN” MEANS A COMPLETE BAN ON  
4 ALL OPEN AIR BURNING THAT IS DECLARED BY THE COUNTY COMMISSIONERS  
5 DUE TO PROLONGED DROUGHT OR UNUSUAL CONDITIONS THAT ARE  
6 CONDUCTIVE TO THE EASY START AND SPREAD OF FIRE.

7           (3) “OPEN AIR BURNING” MEANS BURNING ANY MATERIAL IN THE  
8 OPEN OR IN A RECEPTACLE OTHER THAN A FURNACE, INCINERATOR, OR OTHER  
9 EQUIPMENT CONNECTED TO A STACK OR CHIMNEY.

10          (B) THE COUNTY COMMISSIONERS MAY ADOPT AN EMERGENCY  
11 BURNING BAN EFFECTIVE THROUGHOUT THE COUNTY.

12          (C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON  
13 MAY NOT START OR ALLOW OPEN AIR BURNING DURING AN EMERGENCY  
14 BURNING BAN.

15           (2) THIS SUBSECTION DOES NOT APPLY TO:

16                    (I) OPEN AIR BURNING ON STATE-OWNED PROPERTY THAT  
17 IS CONDUCTED IN ACCORDANCE WITH STATE LAW;

18                    ~~(II)~~ (II) THE SUPERVISED BURNING OF BUILDINGS OR  
19 SOLID, LIQUID, OR GASEOUS FUELS CONDUCTED UNDER THE DIRECT CONTROL  
20 AND SUPERVISION OF QUALIFIED INSTRUCTORS AT A TRAINING CENTER  
21 OPERATED BY A FIRE DEPARTMENT; OR

22                    ~~(III)~~ (III) ANY OTHER SUPERVISED BURNING CONDUCTED  
23 UNDER THE DIRECT CONTROL AND SUPERVISION OF:

24                           1. A QUALIFIED FIRE INSTRUCTOR; OR

25                           2. A FIRE CHIEF, CAPTAIN, OR FIRE LINE OFFICER  
26 OF A FIRE DEPARTMENT THAT HAS JURISDICTION OVER THE AREA WHERE THE  
27 SUPERVISED BURNING OCCURS.

28          (D) THE COUNTY COMMISSIONERS, BY RESOLUTION, MAY SET A FINE  
29 FOR A VIOLATION OF AN EMERGENCY BURNING BAN ADOPTED UNDER  
30 SUBSECTION (B) OF THIS SECTION.

1           **(E) THE SHERIFF AND THE SHERIFF'S DEPUTIES MAY ASSESS A FINE**  
2 **ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION AGAINST ANY PERSON**  
3 **BELIEVED TO BE IN VIOLATION OF AN EMERGENCY BURNING BAN ADOPTED**  
4 **UNDER SUBSECTION (B) OF THIS SECTION.**

5           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
6 October 1, 2013.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.