

HOUSE BILL 465

L2

3lr2191
CF SB 424

By: **Delegate Otto**

Introduced and read first time: January 28, 2013

Assigned to: Environmental Matters

A BILL ENTITLED

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.**

22 **(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE**
23 **MEANINGS INDICATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

8 **(B) THE COUNTY COMMISSIONERS MAY ADOPT AN EMERGENCY**
9 **BURNING BAN EFFECTIVE THROUGHOUT THE COUNTY.**

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

13 **(2) THIS SUBSECTION DOES NOT APPLY TO:**

14 **(I) THE SUPERVISED BURNING OF BUILDINGS OR SOLID,**
15 **LIQUID, OR GASEOUS FUELS CONDUCTED UNDER THE DIRECT CONTROL AND**
16 **SUPERVISION OF QUALIFIED INSTRUCTORS AT A TRAINING CENTER OPERATED**
17 **BY A FIRE DEPARTMENT; OR**

18 **(II) ANY OTHER SUPERVISED BURNING CONDUCTED UNDER**
19 **THE DIRECT CONTROL AND SUPERVISION OF:**

20 **1. A QUALIFIED FIRE INSTRUCTOR; OR**

21 **2. A FIRE CHIEF, CAPTAIN, OR FIRE LINE OFFICER**
22 **OF A FIRE DEPARTMENT THAT HAS JURISDICTION OVER THE AREA WHERE THE**
23 **SUPERVISED BURNING OCCURS.**

24 **(D) THE COUNTY COMMISSIONERS, BY RESOLUTION, MAY SET A FINE**
25 **FOR A VIOLATION OF AN EMERGENCY BURNING BAN ADOPTED UNDER**
26 **SUBSECTION (B) OF THIS SECTION.**

27 **(E) THE SHERIFF AND THE SHERIFF’S DEPUTIES MAY ASSESS A FINE**
28 **ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION AGAINST ANY PERSON**
29 **BELIEVED TO BE IN VIOLATION OF AN EMERGENCY BURNING BAN ADOPTED**
30 **UNDER SUBSECTION (B) OF THIS SECTION.**

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