

HOUSE BILL 102

M1

71r1476

By: **Wicomico County Delegation ~~and Worcester County Delegation,~~
Worcester County Delegation, and Somerset County Delegation**

Introduced and read first time: January 24, 2007

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: February 21, 2007

Returned to second reading: February 23, 2007

House action: Adopted with floor amendments

Read second time: February 23, 2007

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources – Open Air Burning Limitations – Application**

3 FOR the purpose of establishing that the prohibition against open air burning at
4 certain times and places does not apply to a burning conducted under the direct
5 control and supervision of certain fire personnel; making a technical correction;
6 making certain stylistic changes; altering a certain definition; and generally
7 relating to the application of a ban on open air burning.

8 BY repealing and reenacting, with amendments,
9 Article – Natural Resources
10 Section 5–720
11 Annotated Code of Maryland
12 (2005 Replacement Volume and 2006 Supplement)

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

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.



Article – Natural Resources

5–720.

(a) (1) In this section the following words have the meanings indicated.

(2) “Burning ban” means a complete ban on all open air burning that is declared by the Secretary or the Governor as a result of prolonged or unusual conditions conducive to the easy starting and spread of fire.

(3) [(i)] “Open air burning” means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

[(ii)] “Open air burning” does not include the supervised burning of buildings or solid, liquid, or gaseous fuels conducted under the direct control and supervision of qualified instructors at a training center operated by a fire department or any other supervised burning conducted under the direct control and supervision of qualified instructors.]

(4) “Public officer” means:

(i) The authorized agents of the Department; or

(ii) Any police officer who is authorized to enforce the laws of the State or of a political subdivision of the State.

(b) (1) **[A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person may not start or allow open air burning in an area in which a burning ban imposed by the Secretary OR THE GOVERNOR is in effect.**

(2) THIS SUBSECTION DOES NOT APPLY TO:

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

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

1 1. **QUALIFIED FIRE INSTRUCTORS ~~FROM A FIRE~~**
2 **~~DEPARTMENT TRAINING CENTER; OR~~**

3 2. **IN WICOMICO COUNTY ~~OR WORCESTER COUNTY,~~**
4 **WORCESTER COUNTY, OR SOMERSET COUNTY, A FIRE CHIEF, CAPTAIN, OR**
5 **FIRE LINE OFFICER OF A FIRE DEPARTMENT THAT HAS JURISDICTION OVER**
6 **THE AREA WHERE THE SUPERVISED BURNING OCCURS.**

7 (c) On reasonable suspicion of open air burning on privately owned property
8 in an area in which a burning ban is in effect, a public officer may enter on the
9 privately owned property of any person to extinguish the fire or to enforce the
10 provisions of this section.

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 June 1, 2007.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.