

SENATE BILL 237

M1

(71r2406)

ENROLLED BILL

— *Education, Health, and Environmental Affairs / Environmental Matters* —

Introduced by **Senators Stoltzfus and Colburn**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

President.

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

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.

Italics indicate opposite chamber / conference committee amendments.



1 Annotated Code of Maryland
2 (2005 Replacement Volume and 2006 Supplement)

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

5 **Article – Natural Resources**

6 5–720.

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

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

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

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

19 (4) “Public officer” means:

20 (i) The authorized agents of the Department; or

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

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

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

27 (1) **THE SUPERVISED BURNING OF BUILDINGS OR SOLID,**
28 **LIQUID, OR GASEOUS FUELS CONDUCTED UNDER THE DIRECT CONTROL AND**

1 SUPERVISION OF QUALIFIED INSTRUCTORS AT A TRAINING CENTER OPERATED
2 BY A FIRE DEPARTMENT; OR

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

5 1. ~~QUALIFIED INSTRUCTORS FROM A FIRE~~
6 ~~DEPARTMENT TRAINING CENTER A QUALIFIED~~ QUALIFIED FIRE INSTRUCTOR
7 INSTRUCTORS; OR

8 2. ~~IN WICOMICO COUNTY, A~~ A IN WICOMICO
9 COUNTY, WORCESTER COUNTY, OR SOMERSET COUNTY, A FIRE CHIEF,
10 CAPTAIN, OR FIRE LINE OFFICER IN CHARGE OF A FIRE DEPARTMENT THAT HAS
11 JURISDICTION OVER THE AREA WHERE THE SUPERVISED BURNING OCCURS.

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.