

SENATE BILL 237

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71r2406
CF HB 102

By: **Senators Stoltzfus and Colburn**

Introduced and read first time: January 29, 2007

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

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 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:

15 **Article – Natural Resources**

16 5–720.

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

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

9 (4) “Public officer” means:

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

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

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

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

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

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

23 1. **QUALIFIED INSTRUCTORS FROM A FIRE**
24 **DEPARTMENT TRAINING CENTER; OR**

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

28 (c) On reasonable suspicion of open air burning on privately owned property
29 in an area in which a burning ban is in effect, a public officer may enter on the

1 privately owned property of any person to extinguish the fire or to enforce the
2 provisions of this section.

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