

CHAPTER 137

(Senate Bill 237)

AN ACT concerning

Natural Resources – Open Air Burning Limitations – Application

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

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

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

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. ~~QUALIFIED INSTRUCTORS FROM A FIRE DEPARTMENT TRAINING CENTER~~ A QUALIFIED QUALIFIED FIRE INSTRUCTOR INSTRUCTORS; OR

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

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

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

Approved by the Governor, April 24, 2007.