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## Sec. 26-72. Regulation no. 1; control and prohibition of open burning.

- (a) ~~*Purpose of regulation.* This sections purpose is the prevention, abatement and control of air pollution resulting from air contaminants released in the open burning of refuse or other combustible materials.~~
- (b) ~~*Scope of regulation.* This section shall apply to all operations involving open burning except those specifically exempted by subsection (d) of this section.~~
- (c) ~~*Prohibited acts.* No person shall cause, suffer, allow or permit open burning of refuse or other combustible material except as may be allowed in compliance with subsection (c) of this section, or except those covered by a permit issued by the air pollution control board under section 143-215.1(c) of the Act or the regulations of a duly certified local air pollution control program having jurisdiction.~~
- (d) ~~*Permissible open burning.* While recognizing that open burning contributes to air pollution, the air pollution control board is aware that certain types of open burning may reasonably be allowed in the public interest; therefore, the following types of open burning are permissible, as specified, if burning is not prohibited by ordinances and regulations of governmental entities having jurisdiction. The authority to conduct open burning under the provisions of this section does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations, and orders of the governmental entities having jurisdiction even though the open burning is conducted in compliance with this section:~~
- ~~(1) Fires purposely set for the instruction and training of public and industrial firefighting personnel.~~
  - ~~(2) Fires purposely set to agricultural lands for disease and pest control and other accepted agricultural or wildlife management practices.~~
  - ~~(3) Fires purposely set to forest lands for accepted forest management practices.~~
  - ~~(4) Fires purposely set in rural areas for rights-of-way maintenance.~~
  - ~~(5) Campfires and fires used solely for outdoor cooking and other recreational purposes, or for ceremonial occasions.~~
  - ~~(6) Open burning of leaves, tree branches, or yard trimmings originating on the premises of private residences or dwellings of four families or less and burned on those premises where no provision is made for public collection, and no nuisance is created.~~
  - ~~(7) The burning of trees, brush, and other vegetable matter in the clearing of land or rights-of-way with the following limitations:~~
    - ~~a. Prevailing winds at the time of burning must be away from any city or town or built up area, the ambient air of which may be significantly affected by smoke, fly ash, or other air contaminants from the burning.~~
    - ~~b. The location of the burning must be at least 1,000 feet from any dwelling located in a predominantly residential area, other than a dwelling or structure located on the property on which the burning is conducted.~~
    - ~~c. The amount of dirt on the material being burned must be minimized.~~
    - ~~d. Heavy oils, asphaltic materials, items containing natural or synthetic rubber or any materials other than plant growth may not be burned.~~
    - ~~e. Initial burning may generally be commenced only between the hours of 9:00 a.m. and 3:00 p.m., and no combustible material may be added to the fire between 3:00 p.m. of one day and 9:00 a.m. of the following day, except that, under favorable meteorological conditions, deviations from the above-stated hours of burning may be granted by the air pollution control agency~~

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having jurisdiction. It shall be the responsibility of the owner or operator of the open burning operation to obtain written approval for burning during periods other than those specified in this subsection.

~~(8) Motor vehicle salvage operations may be continued until July 1, 1971, subject to the following limitations:~~

- ~~a. Permission to burn must be granted in writing by the air pollution control board or the duly certified local air pollution control program having jurisdiction.~~
- ~~b. No automobile tires shall be burned or used in starting fires.~~
- ~~c. Permission granted by the air pollution control board under this section shall be subject to continued review and may be withdrawn at any time.~~

The current and subsequent Chapter 4, Section .1900 et al of the Asheville-Buncombe Air Quality Agency Code is hereby adopted by reference as fully as though set forth in this section as the ordinance for the Control and Prohibition of Open Burning for Buncombe County. Any conflict between this Section and § 30-49 of the Fire Prevention and Protection Code, this Section shall prevail.

(Ord. No. 14014, art. IV, § II, 1-11-71)