

Chapter 263

(Senate Bill 424)

AN ACT concerning

Somerset County – Emergency Burning Ban – Adoption and Enforcement

FOR the purpose of authorizing the County Commissioners of Somerset County to adopt a certain emergency burning ban; prohibiting a person from starting or allowing any open air burning during an emergency burning ban; exempting certain ~~supervised~~ burning activities from a certain emergency burning ban; authorizing the County Commissioners, by resolution, to set a fine for a violation of a certain emergency burning ban; authorizing the Sheriff of Somerset County and the Sheriff's deputies to assess a certain fine against any person believed to be in violation of a certain emergency burning ban; defining certain terms; and generally relating to the adoption and enforcement of an emergency burning ban in Somerset County.

BY adding to

The Public Local Laws of Somerset County

Section 2-416

Article 20 – Public Local Laws of Maryland

(2003 Edition and 2009 Supplement, as amended)

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

Article 20 – Somerset County

2-416.

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “EMERGENCY BURNING BAN” MEANS A COMPLETE BAN ON ALL OPEN AIR BURNING THAT IS DECLARED BY THE COUNTY COMMISSIONERS DUE TO PROLONGED DROUGHT OR UNUSUAL CONDITIONS THAT ARE CONDUCTIVE TO THE EASY START AND SPREAD OF FIRE.

(3) “OPEN AIR BURNING” MEANS BURNING ANY MATERIAL IN THE OPEN OR IN A RECEPTACLE OTHER THAN A FURNACE, INCINERATOR, OR OTHER EQUIPMENT CONNECTED TO A STACK OR CHIMNEY.

(B) THE COUNTY COMMISSIONERS MAY ADOPT AN EMERGENCY BURNING BAN EFFECTIVE THROUGHOUT THE COUNTY.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A PERSON MAY NOT START OR ALLOW OPEN AIR BURNING DURING AN EMERGENCY BURNING BAN.

(2) THIS SUBSECTION DOES NOT APPLY TO:

(I) OPEN AIR BURNING ON STATE-OWNED PROPERTY THAT IS CONDUCTED IN ACCORDANCE WITH STATE LAW;

~~(II)~~ (II) 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

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

- 1. A QUALIFIED FIRE INSTRUCTOR; OR**
- 2. A FIRE CHIEF, CAPTAIN, OR FIRE LINE OFFICER OF A FIRE DEPARTMENT THAT HAS JURISDICTION OVER THE AREA WHERE THE SUPERVISED BURNING OCCURS.**

(D) THE COUNTY COMMISSIONERS, BY RESOLUTION, MAY SET A FINE FOR A VIOLATION OF AN EMERGENCY BURNING BAN ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.

(E) THE SHERIFF AND THE SHERIFF'S DEPUTIES MAY ASSESS A FINE ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION AGAINST ANY PERSON BELIEVED TO BE IN VIOLATION OF AN EMERGENCY BURNING BAN ADOPTED UNDER SUBSECTION (B) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2013.

Approved by the Governor, May 2, 2013.