

ORDINANCE No. 2025-12

Outdoor Burning Ordinance for the Town of Estill

WHEREAS, this ordinance is intended to promote public health, safety and welfare and to safeguard the health, comfort, and living conditions of the citizens of the Town of Estill by regulating the air pollution and fire hazards of outdoor burning; AND,

WHEREAS, this ordinance applies to all outdoor burning within the town limits, as where county ordinance does not apply to incorporated municipalities. If a provision in a township ordinance of the county covers a similar provision contained in the county ordinance, the township ordinance takes precedence; AND,

WHEREAS, this ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances. This ordinance does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation. This ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities; AND,

WHEREAS, all allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions minimize adverse effects and do not create a health hazard or a visibility hazard on roadways, railroads or airfields. Open burning shall be conducted in conformance with all local and state fire protection regulations.; AND

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Town of Estill, South Carolina as follows:

SECTION 1:

Definitions.

1.1. "Campfire" means a small outdoor fire intended for recreation or cooking but not including a fire intended for disposal of waste wood or refuse.

1.2. "Clean wood" means natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

1.3. "Construction and demolition waste" means building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

1.4. "Fire Chief" means the Chief of the Estill Fire Department or other person designated by the Fire Chief.

1.5 "Municipality" means a county, township, city, or village.

1.6 "Open burning" means kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

1.7. "Outdoor burning" means open burning or burning in an outdoor wood furnace or patio wood burning unit.

1.8. "Outdoor wood furnace" also known as an outdoor wood-fired boiler, outdoor wood-burning appliance, or hydronic heater, means a fuel-burning device that is designed to burn clean wood or other approved solid fuels and is not located within a building intended for habitation by humans or domestic animals; and heats building space and/or water through the distribution, typically through pipes, of a fluid heated in the device, typically water or a mixture of water and antifreeze.

1.9. "Patio wood-burning unit" means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

1.10 "Refuse" means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

SECTION 2: GENERAL PROHIBITION ON OPEN BURNING

2.1 Open burning is prohibited in the Town of Estill unless the burning is specifically permitted by this ordinance.

SECTION 3: OPEN BURNING OF REFUSE

3.1 The smoke can cause both acute and chronic health Open burning of refuse.

3.2 Open burning of refuse is prohibited.

SECTION 4: OPEN BURNING OF TREES, LOGS, BRUSH, STUMPS, LEAVES, AND GRASS CLIPPINGS

- 4.1 The burning of these materials generates large amounts of smoke that can be dangerous to those with respiratory problems in the community. Open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited.
- 4.2 Open Burning must be at a minimum of 1,400 feet from an incorporated limit.
- 4.3 Except for barbecue, gas, and charcoal grills, no open burning shall be undertaken during periods when the State of South Carolina, Hampton County, or Town of Estill, has issued a burning ban applicable to the area.
- 4.4 Campfires and small bonfires for cooking, ceremonies, or recreation are allowed provided they do not cause a nuisance. (no larger than 4 ft x 4ft).
- 4.5 Open burning under this section shall only be conducted at a location at least 100 feet from the nearest building which is not on the same property. Except for campfires,
- 4.6 Open burning shall be constantly attended and supervised by a competent person of at least eighteen (18) years of age until the fire is extinguished and is cold. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.
- 4.7 No materials may be burned upon any street, curb, gutter or sidewalk or pond, stream or waterbody.
- 4.8 Except for barbecue, gas, and charcoal grills, no burning shall be undertaken within 25 feet or from any combustible material, combustible wall or partition, exterior window opening, exit access or exit unless authorized by the Fire Chief.
- 4.9 Fuel burned in the outdoor wood furnace shall be only clean wood, wood pellets made from clean wood, or other listed fuels specifically permitted by the manufacturer's instructions such as fuel oil, natural gas or propane backup. The following items are strictly prohibited in outdoor wood furnaces:
- Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - Rubbish or garbage, including but not limited to food waste, food packaging, food wraps.

- Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- Rubber, including tires or other synthetic rubber-like products.
- Newspaper, cardboard, or any paper with ink or dye products.
- Any other items not specifically allowed by the manufacturer or this provision.

SECTION 5. The Fire Chief, Public Works, and Estill Department are authorized to enforce the provisions of this ordinance: Any person, firm, association, partnership, corporation, or governmental entity who violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction as defined by South Carolina Statute which shall be punishable by civil fine determined in accordance with the following schedule:

- Minimum Fine 1st Offense within 3-year period* 2nd Offense within 3-year period* 3rd Offense within 3-year period* 4th or More offenses within 3-year period* \$75.00 \$150.00 \$325.00 \$500.00 Maximum Fine *Determined on the basis of the date of commission of the offense(s) \$500.00 \$500.00 \$500.00 \$500.00.
- The violator shall pay costs which may include all expenses, direct and indirect, which the Town of Estill has incurred in connection with the municipal infraction.

BE IT FURTHER ORDAINED that this Ordinance shall take effect on the date of the second reading.

AND IT IS SO ORDAINED

1st Reading: November 12, 2025

2nd Reading: _____

Mayor Corrin Bowers III

Attest:

Edna O'Banner, Town Clerk

APPROVE AS TO FORM:

Kenneth A. Davis, Attorney