

AN ORDINANCE OF THE CITY OF HENDERSONVILLE CITY COUNCIL TO AMEND CHAPTER 22 ARTICLE I, SECTION 22-7 OF THE CODE OF ORDINANCES TO PROHIBIT OUTDOOR BURNING OF CERTAIN MATERIALS THE CITY'S MUNICIPAL SERVICES DISTRICTS.

WHEREAS, that pursuant to N.C.G.S. 160A Art. 14, the City maintains a fire department and provides fire protection services for the City of Hendersonville; and

WHEREAS, the City has two specially designated municipal services districts, namely the Main Street Municipal Services District, and the Seventh Avenue Municipal Services District; and

WHEREAS, that due to the density of development, high concentration of pedestrian and vehicle traffic, average age of construction, and building materials used in the municipal services districts, special consideration regarding fire protection is warranted; and

WHEREAS, the City wishes to prohibit outdoor burning of certain materials and or fuels in the municipal services districts in order to reduce the risk of fire in those areas; and

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Hendersonville, North Carolina:

SECTION 1. This Ordinance shall be known as “An Ordinance to Prohibit Outdoor Burning of Certain Materials in the City’s Municipal Services Districts.”

SECTION 2. Chapter 22, Article I of the Code of Ordinances for the City of Hendersonville shall be amended as follows:

Sec. 22-7. Outdoor burning prohibited in the municipal services districts.

- (a) Outdoor burning means the combustion of material or fuel of any type, outside of a building.
- (b) Outdoor burning is prohibited in the Main Street Municipal Services District and the Seventh Avenue Municipal Services District, unless specifically permitted by this Section.
- (c) This section does not apply to:
 - (1) The use of propane, alcohol, natural gas, or kerosene as the sole fuel source in a device manufactured for such purpose, used in the manner in which the device was designed, and manufactured to meet a nationally recognized fire safety standard.

(2) The use of common and customary devices emitting less than 1,000 BTU per hour, such as a candle, match, lighter, or cigarette. **SECTION 3.** It is the intention of the City Council and it is hereby ordained, that the provisions of this ordinance shall become and be made part of the Code of Ordinances, City of Hendersonville, North Carolina, and the sections of this ordinance may be renumbered to accomplish such intention.

Adopted by the City Council of the City of Hendersonville, North Carolina on this ____ day of
____20____.

Attest:

Barbara G. Volk, Mayor, City of Hendersonville

Angela L. Reece, City Clerk

Approved as to form:

Angela S. Beeker, City Attorney