



Town of Southern Shores

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TCA-21-07

Ordinance 2021-10-01

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE TOWN OF SOUTHERN SHORES, NORTH CAROLINA

ARTICLE I. Purpose(s) and Authority.

WHEREAS, pursuant to N.C.G.S. Chap. 160A, the Town has duly codified the Town's Code of Ordinances (the "Town Code"); and

WHEREAS, pursuant to North Carolina General Statutes § 160A-174 the Town may enact and amend ordinances that define, prohibit, regulate, or abate acts, omissions, or conditions, detrimental to the health, safety, or welfare of its citizens and the peace and dignity of the Town, and may define and abate nuisances; and

WHEREAS, the Town further finds that in accordance with the findings above it is in the interest of and not contrary to the public's health, safety and general welfare for the Town to amend the Town Code of Ordinances as stated below.

ARTICLE II. Construction.

For purposes of this ordinance amendment, underlined words (underline) shall be considered as additions to existing Town Code language and strikethrough words (~~strikethrough~~) shall be considered deletions to existing language. Any portions of the adopted Town Code which are not repeated herein, but are instead replaced by an ellipses ("...") shall remain as they currently exist within the Town Code.

ARTICLE III. Amendment of Town Code.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Southern Shores, North Carolina, that the Town Code shall be amended as follows:

PART I. That **Chapter 14 Sec. 14-68. Combustible materials.** be amended as follows:

1 **Sec. 14-68. Combustible materials.**

2
3 It shall be unlawful for any person to build or set an open fire in any location except
4 in the areas and under the conditions specified below:

- 5 (1) The occupant of a permanent dwelling may, with a permit, set an open fire to
6 burn small amounts of refuse, tree branches, brush and scrap lumber provided the
7 burning is conducted within 100 feet of such dwelling and is confined within a
8 cleared and protected area upon which a watch is maintained and which is
9 provided with adequate fire protection equipment at the immediate fire site.
10 Adequate fire protection equipment is considered to be a charged hose line,
11 shovel, rake, and loose sand or dirt with which to cover the fire.
- 12 (2) The occupant of a permanent dwelling may build or set a contained fire as
13 defined above.
- 14 (3) No fire of any type shall be built or set on unimproved property (any property
15 where a permanent dwelling or business unit does not exist) until the site has been
16 inspected and a permit issued by the fire inspector.
- 17 (4) All fires of the type described in this section must be attended by a competent
18 person 14 years of age or older who must remain in attendance at the fire until it
19 is completely extinguished.
- 20 (5) No open fire shall be built or set neither in a marina area or a picnic area nor in
21 any other area owned by a residential or civic or other owner's association without
22 a permit.
- 23 (6) House occupants or landowners starting or setting fires as permitted above are
24 responsible for assuring themselves that a prohibition against burning as stated in
25 G.S 14-139, is not in effect.
- 26 (7) Initial burning shall generally be allowed only between the hours of 9:00 a.m.
27 and 6:00 p.m. but no combustible materials shall be added to the fire after 3:00
28 p.m., except that under favorable meteorological conditions, deviations may be
29 granted by the fire inspector.
- 30 (8) It shall be unlawful for any person to start or set a bonfire other than bonfires
31 held by Kitty Hawk Elementary School under the supervision of the Southern
32 Shores Volunteer Fire Department or other fire protection official(s).
- 33 (9) It shall be unlawful for any person to start or set a recreational fire.

34
35 **ARTICLE IV. Severability.**

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37 All Town ordinances or parts of ordinances in conflict with this ordinance amendment are
38 hereby repealed. Should a court of competent jurisdiction declare this ordinance
39 amendment or any part thereof to be invalid, such decision shall not affect the remaining

1 provisions of this ordinance amendment nor the Zoning Ordinance or Town Code of the
2 Town of Southern Shores, North Carolina which shall remain in full force and effect.

3
4 **ARTICLE V. Effective Date.**

5
6 This ordinance amendment shall be in full force and effect from and after the ____ day of
7 _____, 2021.

8
9
10 _____
Tom Bennett, Mayor

11 ATTEST:

12
13 _____
14 Town Clerk

15
16
17 APPROVED AS TO FORM:

18
19 _____
20 Town Attorney

21
22 Date adopted:

23
24 _____
25 Motion to adopt by Councilmember:

26
27 _____
28 Motion seconded by Councilmember:

29
30
31
32
Vote: ____AYES____NAYS