

**TOWN OF HOLDEN BEACH
ORDINANCE 19-13**

AN ORDINANCE AMENDING THE HOLDEN BEACH CODE OF ORDINANCES, CHAPTER 91: FIRE PREVENTION

BE IT ORDAINED BY the Mayor and Board of Commissioners of the Town of Holden Beach, North Carolina that the Holden Beach Code of Ordinances, Chapter 91: Fire Prevention, be amended as follows:

Section One: Amend Chapter 91: Fire Prevention as follows (changes in blue):

§ 91.13 DEFINITIONS.

For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHARCOAL BURNER. A stove that burns charcoal as fuel.

OPEN-FLAME DEVICES. Portable or non-portable flame devices fueled by flammable or combustible gases or liquids that are not enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

COMBUSTIBLE CONSTRUCTION Capable of burning, generally in air under normal conditions of ambient temperature and pressure.

§ 91.15 PROHIBITED FIRES. It shall be unlawful for any person or business to set or cause to be set any fire within the town.

Exception: § 91.17 and 91.17 (A)

('85 Code, § 3-4.1) (Ord. 13-84, passed -- ; Am. Ord. 90-15, passed 10-1-90; Am. Ord. 02-08, passed 5-27-02) Penalty, see § 91.99

§ 91.16 RECREATIONAL FIRES.

Recreational fires, except those confined within containers manufactured specifically for such purpose, shall not be allowed.

('85 Code, § 3-4.3) (Ord. 13-84, passed -- ; Am. Ord. 02-08, passed 5-27-02) Penalty, see § 91.99

§ 91.17 Open-flame Devices. Charcoal burners and other open-flame devices shall not be operated on or within 10 feet (3048 mm) of combustible construction. Penalty, see § 91.99

§ 91.17 (A) Exception – Propane fueled grills.

§ 91.18 All Open and Closed Flame devices, and Cooking Devices shall not be operated or put into use in any public areas or on private dunes.

§ 91.99 PENALTY

(A) Any person who violates any provision of this chapter for which no penalty is otherwise provided, shall be subject to the penalty provided in § 10.99 of this code of ordinances.

(B) (1) Criminal. In accordance with § 10.99(A) of this code of ordinances, any person who violates any provision of §§ 91.15, 91.16 ~~and~~ 91.17 and 91.18 of this chapter shall be subject to a fine not to exceed \$500.

(2) Civil. In accordance with § 10.99(B) of this code of ordinances, any person who violates any provision of §§ 91.15, 91.16 ~~and~~ 91.17 and 91.18 of this chapter shall be subject to a civil fine of \$500.

Section Two: The Town Clerk is directed to forward this ordinance to American Legal Publishing for inclusion in the next published supplement to the Holden Beach Code of Ordinances.

Section Three: This ordinance shall be effective the 21st day of August 2019.

Adopted this the 20th day of August 2019.

ATTEST:

J. Alan Holden, Mayor

Heather Finnell, Town Clerk