

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**  
**2016 Legislative Session**

Bill No. CB-54-2016

Chapter No. 39

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Davis, Lehman, Franklin, Taveras and Patterson

Co-Sponsors \_\_\_\_\_

Date of Introduction September 27, 2016

**BILL**

1 AN ACT concerning

2 Fire Safety Code

3 For the purpose of amending the Prince George’s County Fire Safety Code to amend regulations  
4 governing open burning, to include recreational fires and portable outdoor fire places.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 11. FIRE SAFETY.

7 Section 11-268,

8 The Prince George's County Code

9 (2015 Edition).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
11 Maryland, that Section 11-268 of the Prince George's County Code be and the same is hereby  
12 repealed and reenacted with the following amendments:

13 SUBTITLE 11. FIRE SAFETY.

14 DIVISION 4. FIRE PREVENTION CODE.

15 **Sec. 11-268. Open Burning, Recreational Fires and Portable Outdoor Fireplaces.**

16 (a) Open burning means a fire, where material is burned on the ground or in an open  
17 receptacle without a chimney or stack. Small recreational fires, including campfires, are  
18 considered open burning.

19 (b) Where permitted by the provisions of Section 19-104, and 19-105 of this County Code,  
20 burning by open fires shall be subject to the following conditions:

21 \* \* \* \* \*

1 (3) It shall be unlawful for any person to kindle any open fire, except cooking fires or  
2 recreational fires, without first notifying Public Safety Communications of such burning. Where  
3 the burning continues for more than one (1) day, Public Safety Communications shall be notified  
4 prior to 8 A.M. on each day of burning.

5 (A) Cooking fires shall burn the following fuels: (1) clean firewood (2) dried  
6 firewood (3) charcoal or as determined by the Fire Chief or the Fire Chief’s designee.

7 \* \* \* \* \*

8 [(d) Fires for warming in barrels at construction sites or Christmas tree lots are permitted.  
9 The fires for warming must only contain clean lumber and must be at least thirty (30) feet from  
10 any structure.]

11 \* \* \* \* \*

12 [(e)] (d) Fires in fixed or portable outdoor fireplaces, chimneys, and other similar devices  
13 are permitted. Fires, described in section [(e)] (d), shall be fueled only by seasoned dry  
14 firewood, used in accordance with the manufacturer’s guidelines and are subject to the following  
15 conditions:

16 (1) Fires shall be attended at all times by a person eighteen (18) years of age or older  
17 who is in direct view of the fire. The fire shall be attended until it is completely extinguished.  
18 A fire extinguisher or hose must be available during use of the devices described in section [(e)]  
19 (d).

20 \* \* \* \* \*

21 (4) Fires in these devices, described in section [(e)] (d), are prohibited on or within thirty  
22 (30) feet of any public roads, streets, highways, alleys, sidewalks, and public rights-of-way.

23 (5) No person shall use these devices, described in section [(e)] (d), upon the land of  
24 another without permission of the owner thereof or the owner’s agent.

25 \* \* \* \* \*

26 [(f)] (e) Smoke emissions from any permitted fire must not consistently exceed twenty  
27 percent (20%) opacity, as determined by the Fire Chief or the Fire Chief’s designee. Fires where  
28 visible smoke steadily conveys across property lines are prohibited. No fires shall be left to  
29 smolder. All fires shall be fully extinguished with zero smoke emissions.

30 (A) Smoke from fuel cooked fires, as permitted by State and local law, is exempt from  
31 subsection (e).

1 [(g)] (f) Fixed, portable fireplaces and pits fueled by gas or propane are permitted at single  
2 family dwellings or townhouses when used in accordance with the manufacturer’s guidelines.

3 The devices described in section [(g)] (f) are subject to the following conditions:

4 (1) The device shall be attended at all times by a person eighteen (18) years of age or  
5 older, who is in direct view of the device. A fire extinguisher or hose shall be available during  
6 use of the devices described in section [(g)] (f).

7 (2) A device, described in section [(g)] (f), used on a deck shall be at least ten (10) feet  
8 from single family dwellings or townhouses. The combustion area shall not be in direct contact  
9 with combustible decking.

10 (3) The Fire Chief, or the Fire Chief’s designee, may prohibit the use of such devices,  
11 described in section [(g)] (f), at any time the Fire Chief, or the Fire Chief’s designee determines  
12 that the use creates a fire hazard.

13 (4) Use of these devices, described in section [(g)] (f), are prohibited on or within  
14 thirty (30) feet of any public roads, streets, highways, alleys, sidewalks, and public rights-of-  
15 way.

16 \* \* \* \* \*

17 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby  
18 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,  
19 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of  
20 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining  
21 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this  
22 Act, since the same would have been enacted without the incorporation in this Act of any such  
23 invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection,  
24 or section.

25 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)  
26 calendar days after it becomes law.

Adopted this 1<sup>st</sup> day of November , 2016.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick Leon Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY: \_\_\_\_\_  
Rushern L. Baker, III  
County Executive