

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

Bill No. CB-13-2016

Chapter No. 8

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

Introduced by Council Members Davis and Lehman

Co-Sponsors _____

Date of Introduction April 19, 2016

BILL

1 AN ACT concerning

2 Fire Safety Code

3 For the purpose of amending the Prince George’s County Code to provide for expanded fire
4 safety regulations governing open burning which will include recreational fires and portable
5 outdoor fireplaces.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 11. FIRE SAFETY.

8 Section 11-268

9 The Prince George's County Code

10 (2015 Edition).

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13 repealed and reenacted with the following amendments:

14 SUBTITLE 11. FIRE SAFETY.

15 DIVISION 4. FIRE PREVENTION CODE.

16 **Sec. 11-268. Open [fires generally.] Burning, Recreational Fires and Portable Outdoor**
17 **Fireplaces.**

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

21 [a] (b) Where permitted by the provisions of Section 19-104, and 19-105 of this County Code,

burning by open fires shall be subject to the following conditions:

(1) Open fires shall be attended at all times by a person eighteen (18) years of age or older, who is in direct view of the fire. The fire shall be attended until completely extinguished.

* * * * *

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

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(6) The burning of materials of any kind on or within thirty (30) feet of any public roads, streets, highways, alleys, sidewalks, and public rights-of-way shall be prohibited at all times.

* * * * *

(9) Recreational fires shall be no larger than three (3) feet in diameter.

(10) A way to extinguish a fire shall be available at all open burn sites.

(11) Recreational fires shall not be used to dispose of leaves, branches, brush or other vegetation. Only dry, natural wood may be burned in a recreational fire.

(12) Recreational fires are prohibited during drought conditions, if winds are greater than twelve (12) miles per hour (mph) or during an air pollution event. An air pollution event is when the air quality has been designated Code Red or Code Orange.

(c) Fires in salamanders or other similar devices, fired with propane or No. 2 fuel oil at construction sites, are permitted.

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

(e) Fires in fixed or portable outdoor fireplaces, chimineas, and other similar devices are permitted. Fires, described in subsection (e), shall be fueled only by seasoned dry firewood, used in accordance with the manufacturer's guidelines and are subject to the following conditions:

(1) Fires shall be attended at all times by a person eighteen (18) years of age or older

1 who is in direct view of the fire. The fire shall be attended until it is completely extinguished.
2 A fire extinguisher or hose must be available during use of the devices described in subsection
3 (e).

4 (2) Fires shall be at least thirty (30) feet from any structure. Fires are not permitted on
5 any balcony or deck.

6 (3) The Fire Chief or the Fire Chief's designee may prohibit such fires at any time the
7 Fire Chief or his designee determines that their use creates a fire hazard.

8 (4) Fires in these devices, described in subsection (e), are prohibited on or within thirty
9 (30) feet of any public roads, streets, highways, alleys, sidewalks, and public rights-of-way.

10 (5) No person shall use these devices, described in subsection (e), upon the land of
11 another without permission of the owner thereof or the owner's agent.

12 (f) Smoke emissions from any allowed fire must not consistently exceed twenty percent
13 (20%) opacity, as determined by the Fire Chief or the Fire Chief's designee. Fires where visible
14 smoke steadily conveys across property lines are prohibited. No fires shall be left to smolder.
15 All fires shall be fully extinguished with zero smoke emissions.

16 (g) Fixed, portable fireplaces and pits fueled by gas or propane are permitted at single
17 family dwellings or townhouses when used in accordance with the manufacturer's guidelines.
18 The devices described in subsection (g) are subject to the following conditions:

19 (1) The device shall be attended at all times by a person eighteen (18) years of age or
20 older, who is in direct view of the device. A fire extinguisher or hose shall be available during
21 use of the devices described in subsection (g).

22 (2) A device, described in subsection (g), used on a deck shall be at least ten (10) feet
23 from single family dwellings or townhouses. The combustion area shall not be in direct contact
24 with combustible decking.

25 (3) The Fire Chief, or the Fire Chief's designee, may prohibit the use of such devices,
26 described in subsection (g), at any time the Fire Chief, or the Fire Chief's designee determines
27 that the use creates a fire hazard.

28 (4) Use of these devices, described in subsection (g), are prohibited on or within thirty
29 (30) feet of any public roads, streets, highways, alleys, sidewalks, and public rights-of-way.

30 (5) No person shall use these devices upon the property of another without permission
31 of the owner thereof or the owner's agent.

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SECTION 2. BE IT FURTHER ENACTED that the Fire/Emergency Medical Services Department shall create and implement a public education and community outreach initiative on the expanded fire safety regulations governing open burning, recreational fires and portable outdoor fireplaces.

SECTION 3. BE IT FURTHER ENACTED that the provisions of this Act are hereby declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this Act, since the same would have been enacted without the incorporation in this Act of any such invalid or unconstitutional word, phrase, clause, sentence, paragraph, subparagraph, subsection, or section.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 10th day of May , 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