

**FILED**  
**08 JUL -3 PM 2:03**

**COUNTY COUNCIL**  
**OF**  
**DORCHESTER COUNTY, MARYLAND**

2008 Legislative Session,  
 Legislative Day No. 10 June 17, 2008

Introduced By: County Council

BILL NO. 2008 - 10

AN ACT OF THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND PURSUANT TO THE AUTHORITY OF ARTICLE 25A, SECTION 5(S) OF THE ANNOTATED CODE OF MARYLAND ADDING NEW CHAPTER 25 TO THE CODE OF PUBLIC LOCAL LAWS OF DORCHESTER COUNTY, MARYLAND, BEING ARTICLE 10 OF THE CODE OF PUBLIC LOCAL LAWS OF MARYLAND, ENTITLED "OPEN AIR BURNING - LIMITATIONS", PROVIDING FOR BURNING BANS AS DECLARED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND, PROHIBITING OPEN AIR BURNING UPON PASSAGE OF A BURNING BAN, PROVIDING FOR NOTICE OF ANY BURNING BAN, PROVIDING FOR EXCEPTIONS TO ANY BURNING BAN AND PROVIDING FOR VIOLATIONS AND PENALTIES, ALL TO PROMOTE AND MAINTAIN THE PEACE, HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF DORCHESTER COUNTY, MARYLAND.

Introduced, read first time, ordered posted on official bulletin board of County, County Office Building, 501 Court Lane, Cambridge, Maryland, 21613.

Ordered publication for once a week for two (2) successive weeks, and public hearing scheduled on Tuesday, July 1, 2008, Room 110, County Office Building, 501 Court Lane, Cambridge, Maryland at 6:30 p.m.

By order: Jane Baynard  
 Jane Baynard, County Manager

**COUNTY COUNCIL  
OF  
DORCHESTER COUNTY, MARYLAND**

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SECTION ONE: Acting under the authority of Article 25A, Section 5(S) of the Annotated Code of Maryland (the “Act”), be it ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that new Chapter 25 be added to the Code of Public Local Laws of Dorchester County, Maryland, being Article 10 of the Code of Public Local Laws of Maryland, entitled “Open Air Burning – Limitations”, to read as follows:

CHAPTER 25

OPEN AIR BURNING – LIMITATIONS

- § 25.1 Definitions.
- § 25.2 Open air burning during ban prohibited.
- § 25.3 Right of entry on private land for inspection.
- § 25.4 Violations and penalties.

§ 25.1 DEFINITIONS.

As used in this chapter, the following words have the meanings indicated:

**BURNING BAN:** A complete ban on all open air burning that is declared by the County as a result of prolonged or unusual conditions conducive to the easy starting and spread of fire.

**COUNTY:** County Council of Dorchester County, Maryland.

**OPEN AIR BURNING:** A fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

**PUBLIC OFFICER:** Any police officer who is authorized to enforce the laws of the State of Maryland or the laws of Dorchester County, Maryland.

§ 25.2 OPEN AIR BURNING DURING BAN PROHIBITED.

A. Subject to paragraph C of this section, a person may not start or allow open air burning in an area in which a burning ban imposed by the County is in effect. The burning ban shall be imposed by the County, by resolution, without the necessity of a public hearing.

B. Notice of Burning Ban. The burning ban shall not go into effect until notice thereof is published in at least one (1) newspaper of general circulation in Dorchester County, Maryland. The notice shall state:

- (1) the date and time the burning ban goes into effect; and
- (2) the area(s) in Dorchester County that the burning ban affects.

C. This chapter does not apply to:

(1) the supervised burning of buildings or solid, liquid, or gaseous fuels conducted under the direct control and supervision of qualified instructors at a training center operated by a fire department; or

(2) any other supervised burning conducted under the direct control and supervision of qualified fire instructors or a fire chief, captain or fire line officer of a fire department that has fire jurisdiction over the area where the supervised burning occurs.

§ 25.3 RIGHT OF ENTRY ON PRIVATE LAND FOR INSPECTION.

On reasonable suspicion of open air burning on privately owned property in an area in which a burning ban is in effect, a public officer may enter on the privately owned property of any person to extinguish the fire or to enforce the provisions of this chapter.

§ 25.4 VIOLATIONS AND PENALTIES.

Any person violating the provisions of this chapter shall be guilty of a misdemeanor and shall, upon conviction thereof, be fined not less than Fifty Dollars (\$50.00), nor more than Five Hundred Dollars (\$500.00) for each such violation.

SECTION TWO: BE IT FURTHER ENACTED AND ORDAINED BY THE COUNTY COUNCIL OF DORCHESTER COUNTY, MARYLAND that General Code Publishers is directed to codify new Chapter 25 to the Code of Public Local Laws of Dorchester County, Maryland accordingly.

SECTION THREE: Be it further ENACTED and ORDAINED by the County Council of Dorchester County, Maryland that this Bill shall be known as Bill No. 2008- 10 of Dorchester County, Maryland and shall take effect sixty (60) days after its final passage.

PASSED this 1<sup>st</sup> day of July, 2008.

ATTEST:

COUNTY COUNCIL OF  
DORCHESTER COUNTY,  
MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Williams V. Nichols  
Williams V. Nichols, President

APPROVED this 1<sup>st</sup> day of July, 2008.

ATTEST:

COUNTY COUNCIL OF  
DORCHESTER COUNTY,  
MARYLAND

BY: Jane Baynard  
Jane Baynard, County Manager

Williams V. Nichols  
Williams V. Nichols, President

Nichols - *absent*

Newcomb - *aye*

Elzey - *aye*

Price - *aye*

Travers - *aye*

cd2:May.08  
BurnCode.Bill/mlh