



Town of Ocean Isle Beach

Resolution No. 2015 - 02

Date Adopted: April 14, 2015

RESOLUTION

WHEREAS, the Town has enacted an ordinance to regulate or prohibit acts that are detrimental to the health, safety or welfare of its citizens; and

WHEREAS, the Board of Commissioners of the Town of Ocean Isle Beach support measures to assure safety, enjoyment and well-being of guests and residents of the Town,

WHEREAS, the Board of Commissioners of the Town of Ocean Isle Beach has responsibility to serve the general needs of the community by making appropriate revisions to the Town's ordinance; and

WHEREAS, the application is both reasonable and in the public interest.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWN OF OCEAN ISLE BEACH to modify the Town's Ordinance as follows:

1. That Section 16-10 – Burning within the town limits be amended to read as follows:

- (a) *Subject to provisions of this section, the burning of any material on the beach or on a street, road, lane or public ground is prohibited. No person shall kindle or maintain any recreational fire, bonfire, or shall knowingly furnish the material for any such fire, or authorize any such fire to be kindled or maintained.*
- (b) *No person shall operate any type of portable outdoor fireplace/pit, hibachi or charcoal grill or maintain any type of open fire on any outside porch, patio or landing above ground level. Electric and gas grills shall be permitted only if they are permanently attached to the landing and not covered by any type of roof or awning. Gas fueled outdoor fireplaces three (3) feet in diameter or less with a flame height less than two (2) feet, permanently affixed to the ground, and separated from structures and combustible materials by ten (10) feet shall be permitted. Open burning, bonfires, and recreational fires shall be prohibited within town limits unless contained within a device specifically manufactured for such purposes (ex. Fire pits, chimeneas, etc.) which shall be placed no closer than fifteen (15) feet to any structure or natural and/or manmade combustible material. No fire located in a portable outdoor fireplace/pit shall be left unattended.*
- (c) *All fixed gas fueled outdoor fireplaces shall require a mechanical permit from the Town's Inspections Department prior to installation.*

(d) Anyone violating this section shall be cited by the chief of police or one of his deputies and shall be guilty of an infraction. The offender shall pay a civil penalty of \$35.00 into the office of the town clerk within 72 hours following receipt of the citation. If such penalty is not paid, in accordance with G.S. 160A-175, violations of any provision of this section shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction in accordance with section 1-6.

2. That, except as may be modified herein, all other terms and conditions contained in said ordinance shall remain in full force and effect. That this modification shall take place immediately.
3. A copy of the complete text as it relates to these amendments is attached and made part of this resolution.
4. That the clerk shall place a copy of this ordinance in the Town's ordinance book and shall provide a copy to the codification company when modifications are made in the future.

This the 14th day of April, 2015.

Debbie S. Smith, Mayor

ATTEST: _____
Sue Stuhr, Town Clerk

Edits to remove strikethrough and add underscored as follow:

Sec. 26-10. - Burning within the town limits.

(a) Subject to provisions of this section, the burning of any material on the beach or on a street, road, lane or public ground is prohibited. No person shall kindle or maintain any recreational fire, bonfire, or shall knowingly furnish the material for any such fire, or authorize any such fire to be kindled or maintained. ~~A fire on any other area may not be left unattended.~~

(b) No person shall operate any type of portable outdoor fireplace/pit, hibachi or charcoal grill or maintain any type of open fire on any outside porch, patio or landing above ground level. Electric and gas grills shall be permitted only if they are permanently attached to the landing and not covered by any type of roof or awning. Gas fueled outdoor fireplaces three (3) feet in diameter or less with a flame height less than two (2) feet, permanently affixed to the ground, and separated from structures and combustible materials by ten (10) feet shall be permitted. Open burning, bonfires, and recreational fires shall be prohibited within town limits unless contained within a device specifically manufactured for such purposes (ex. Fire pits, chimeneas, etc.) which shall be placed no closer than fifteen (15) feet to any structure or natural and/or manmade combustible material. No fire located in a portable outdoor fireplace/pit shall be left unattended.

(c) All fixed gas fueled outdoor fireplaces shall require a mechanical permit from the Town's Inspections Department prior to installation.

(d) Anyone violating this section shall be cited by the chief of police or one of his deputies and shall be guilty of an infraction. The offender shall pay a civil penalty of \$35.00 into the office of the town clerk within 72 hours following receipt of the citation. If such penalty is not paid, in accordance with G.S. 160A-175, violations of any provision of this section shall be a misdemeanor as provided in G.S. 14-4, punishable upon conviction in accordance with section 1-6.