

# CHAPTER 9. FIRE DEPARTMENT AND PREVENTION

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## **CHAPTER 9. FIRE DEPARTMENT AND PREVENTION**

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### **CHAPTER 9. FIRE DEPARTMENT AND PREVENTION**

Editor’s Note. The Fire Department was previously codified in the 1976 Town Code as part of Chapter 2 of Title 2, entitled “Public Safety.” In this codification, it was felt more appropriate to include it as a separate chapter.

Many cities in this state have made arrangements with their respective counties for fire service. The Town of Campobello has such an arrangement with Spartanburg County, and the service is provided by fire fighters who must be certified by the state.

The department is a town department. Equipment is owned individually by the town, and funding is provided by both the town and county, as well as volunteer fund-raisers. All firefighters are volunteers who must be approved by the state.

This chapter derives from requirements of state law, and generally accepted municipal practices.

## **ARTICLE I. ADMINISTRATION**

Editor's Note. Section 5-25-110 of the 1976 South Carolina Code of Laws requires the governing body of every incorporated city/town and city/town in this state to appoint a Fire Chief.

### **9.101. DESIGNATION.**

The Fire Department is hereby designated as the Campobello Fire Department.

### **9.102. CHIEF.**

The Chief of the department shall be appointed by Mayor and Council.

### **9.103. DUTIES OF CHIEF. GENERALLY.**

It shall be the duty of the Fire Chief to direct the activities of the fire department at fires and at all other times to provide for the training of firefighters, to insure that the equipment of the fire department is always ready for use and to perform such other duties as may be required of him by the Council, this chapter and any other ordinance. It shall be the duty of the Fire Chief to utilize all means at his disposal to prevent the outbreak of fires and to enforce all laws and ordinances concerning:

1. The storage and use of explosives and flammables;
2. The installation and maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment;
3. The maintenance and regulation of fire escapes, where available;
4. The elimination of hazards in buildings and structures, including those under construction;
5. The means and adequacy of exits in case of fire from schools, churches, halls, and all other places in which numbers of persons work, live or congregate from time to time for any purpose; and,
6. The investigation of the cause, origin and circumstances of fires.

### **9.104. MEMBERSHIP.**

The department shall consist of such volunteers as may be approved by the membership, and they shall serve without remuneration.

**9.105. COMMAND AT SCENE OF FIRE.**

The Fire Chief shall have control of operations at the scene of fire. In event of his incapacity or absence, his duties shall devolve upon a member of the Volunteer Fire Department designated by the Fire Chief.

**9.106. POSSESSION AND CONTROL OF BUILDINGS ON FIRE.**

Immediately upon his arrival on the premises, the Chief or his designee shall have sole and absolute possession and control of any and all buildings on fire within the town or designated fire district and shall so remain in possession and control until the fire shall be extinguished and the premises abandoned by the fire department.

**9.107. RIGHT OF ENTRY DURING EMERGENCIES.**

In a fire emergency, while endeavoring to control or extinguish fires, members of the department, under order of the Chief, or his designated representative, may reasonably pass through and enter any adjacent buildings or property.

**9.108. RESPONDING TO ALARMS. RIGHT-OF-WAY.**

All motor equipment of the Fire Department, law enforcement agencies, other emergency vehicles and the vehicles of fire fighters shall have the right-of-way over all other vehicles, when responding to an alarm.

**9.109. LAW ENFORCEMENT OFFICERS AUTHORIZED TO ENFORCE PREVISIONS.**

Law enforcement officers and authorized fire personnel shall enforce the provisions of this chapter, as appropriate. Immediately upon their arrival at the scene of a fire, and subject to availability of personnel, they shall station one (1) police officer at each end of the block wherein the fire occurs. They may require motor vehicles or other vehicles parked within the area to be moved immediately,

**9.110. FIRE INSPECTOR.**

It is the responsibility of the Fire Chief or his designee to conduct all fire inspections within the fire district. (1976 SC Code §5-25-1 20)

**9.111. INSPECTIONS ANNUALLY. NOTIFICATIONS.**

a. At least once in each and every year, the Fire Chief shall make a general inspection of all buildings in the corporate limits and ascertain if the laws and ordinances in reference to fire protection are complied with.

(Editor's Note. Section 5-25-370 of the 1976 South Carolina State Code of Laws requires annual inspections, notifications and reports.)

b. It shall be the duty of the Fire Chief to notify the occupant and owner of all premises of any defects or hazards found in this general inspection to see that they are properly corrected and that dangerous inflammable conditions on the premises are removed.

**9.112. SAME. REPORTS.**

The Fire Chief shall report to the Council the results of fire inspections as warranted, upon blanks furnished by the State Fire Marshall. He shall furnish such other information and make such other reports as shall be called for by the State Fire Marshall.

**9.113. SAME. NOTICE AND PENALTY.**

The Council may issue an order for the immediate correction, removal or discontinuance of any identified hazard. If the hazard is not corrected within the time fixed in the notice, the offending party, upon conviction, shall be guilty of a misdemeanor.

**9.114. FIRE INVESTIGATIONS.**

The Fire Chief shall hold an inquiry into the origin of every fire occurring within the limits of the town and fire district and file a report in writing of his investigation to the State Fire Marshall. (1976 SC Code §5-25-1 60, §5-25-1 70)

**9.115. FIRES OUTSIDE CORPORATE LIMITS.**

The Fire Department is authorized hereby to respond to fire calls outside the corporate limits.

**ORDINANCE 9.116**

9.116 International Fire Code

1. An ordinance of the Town of Campobello adopting the 2003 edition of the International Fire Code, regulating and governing the safe-guarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Town of Campobello; providing for the issuance of permits and collection of fees

therefore; any and all ordinances or parts of ordinances in conflict therewith are repealed by the enactment of Ordinance 9.116.

2. The Town Council of the Town of Campobello does ordain as follows:
  - a. That a certain document, which is on file in the office of the Fire Chief of The Town of Campobello, being marked and designated as the International Fire Code, 2003 edition, including any and all Appendix Chapters, as published by the International Code Council, be and is hereby adopted as the Fire Code of the Town of Campobello, in the State of South Carolina regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Fire Chief are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
  
3. That the following sections are hereby revised:  
Section 101.1 Insert: Town of Campobello  
Section 109.3 Insert: As set by State of South Carolina  
Section 111.4 Insert: As set by State of South Carolina
  
4. That the geographic limits referred to in certain sections of the 2003 International Fire Code are hereby established as follows:
  - a. Section 3204.2.1.1 (Geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited) in the Town of Campobello.
  
  - b. Section 3404.2.9.5.1 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited in the Town of Campobello.
  
  - c. Section 3406.2.4.4 (Geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited in the Town of Campobello.
  
  - d. Section 3804.2 (Geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas in the Town of Campobello.
  
5. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

6. That if any section, subsection, sentence, clause or phrase of this ordinance, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town Council of the Town of Campobello hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
7. That nothing in this ordinance or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 of this ordinance; nor shall any just right or remedy of any character be lost, impaired or affected by this ordinance.
8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect upon completion of a second and final reading and adopted by a majority vote of the Campobello Town Council.

## **ARTICLE II. PROHIBITED ACTS**

Editor's Note. This article derives from the 1976 South Carolina Code of Laws; the 1976 Campobello Town Code, with amendments; and acts prohibited by other municipalities. (See §56-5-760 of the 1976 South Carolina Code of Laws for operation of emergency vehicles.)

### **9.201. FAILURE TO OBEY LAWFUL ORDERS.**

Failure to obey any lawful order of any official of the Fire or Police Department at the scene of any emergency shall constitute a violation of this article.

### **9.202. FALSE ALARMS.**

It shall be unlawful for any person to knowingly give a false fire alarm by telephoning, informing any person that an emergency exists, knowing the same to be untrue, or in any other manner, communicating falsely to the Fire Department that an emergency exists.

(1976 SC Code §16-17-570 makes false alarms a criminal offense.)

### **9.203. FIRE HYDRANTS.**

It shall be unlawful for any unauthorized person to open or otherwise tamper with a fire hydrant.

### **9.204. SAME. PARKING. OBSTRUCTING FIRE EQUIPMENT OR MEMBERS.**

- a. No person shall park any vehicle within fifteen (15) feet of a fire hydrant nor otherwise cause any obstruction to fire equipment at a fire. (1976 SC Code §56-5-2530)
- b. It shall be unlawful to interfere with or obstruct the activities of any member of the Fire Department who is acting in his official capacity or when proceeding to a fire.

**9.205. FOLLOWING OR PARKING NEAR FIRE EQUIPMENT. BYSTANDERS.**

- a. No driver of any vehicle, other than one on official business, shall follow any fire apparatus traveling in response to a fire alarm closer than five hundred (500) feet or drive into or park such vehicle within the block where fire apparatus has stopped in answer to an alarm. (1976 SC Code §56-5-1960)
- b. Bystanders shall stay a safe distance away as determined by the officer in charge.

**9.206. RIDING FIRE TRUCKS.**

It shall be unlawful for any person, who is not a member of the Fire Department, to ride upon any fire truck without permission from the Fire Chief.

**9.207. DRIVING OVER FIRE HOSE.**

It shall be unlawful for any person, without permission of the Fire Chief, to drive a vehicle of any description over or across a fire hose stretched or laid upon the ground for use at a fire or for any other lawful purpose of the Fire Department. (1976 SC Code §56-5-3850)

**9.208. USE OF FIRE EQUIPMENT.**

It shall be unlawful for any unauthorized person to use, borrow or tamper with any equipment of the Fire Department without the express consent of the Fire Chief. "Equipment" shall mean all vehicle, firefighting apparatus, supplies, facilities or other material belonging to the Fire Department.

**9.209. BURNING TRASH. BONFIRES.**

It shall be unlawful to burn any trash or to have a bonfire within the corporate limits, without first notifying the Fire Chief or proper personnel and gaining permission from the property owner

**9.210. FIRE HAZARD UPON LOTS.**

- a. It shall be unlawful for any person, including owner, tenant or occupant to permit, allow, or cause any condition, accumulation, growth or structure, or other matter, to exist upon any lot, building or premises so as to constitute or create a fire hazard, or to increase the menace of fire.

- b. The Fire Chief, or his authorized agents, may notify any person of a violation of this section and require proper action or precautions.
- c. Any person who shall fail, within seven (7) calendar days of such notice, to eliminate said fire hazard, upon conviction, shall be guilty of a misdemeanor.

(Editors Note. Vacant lots are discussed in Chapter 10, Article JV. Section 10.208 discusses weeds on improved property.)

### **9.211. FRAME BUILDINGS BURNED OR DESTROYED.**

An existing frame building within the fire limits which may hereafter be damaged by fire, decay or otherwise to an amount greater than one-half (1/2) its value, exclusive of the foundation, shall not be repaired or rebuilt but shall be removed.

## **ARTICLE III. FIREWORKS**

Editors Note. This article derives from the 1976 South Carolina Code of Laws; the 1976 Campobello Town Code, as amended, and generally accepted municipal practices.

### **9.300. RESIDENTIAL USE OF FIREWORKS**

The discharging or shooting of fireworks shall be allowed on the specific day listed below and shall be between the hours of 10:00 a.m. and 11:00 p.m.:

- Memorial Day
- Independence Day
- Labor Day
- New Year's Eve

The discharging of fireworks in conjunction with a special event to the extent allowed under the terms of the permit issued by the Chief of Police and approved by Council.

The provisions of this division shall not include nor prevent the possession or use of toy cap pistols and toy pistol paper caps which contain not more than 0.20 of a gram of explosive mixture and fireworks known as "sparklers".

Any person(s) in violation of this section shall be subject to a fine of not less than \$100.00 or no more than \$1,092.00, plus any court assessments.

### **9.301. FIREWORKS DISPLAYS. PERMITS. REQUIREMENTS.**

- a. Any person who desires to hold a fireworks display shall first obtain a permit from the Mayor and Council, in triplicate. The manufacturer or wholesaler supplying the fireworks display material shall retain one (1) copy of the permit and the person putting on the display shall retain one (1) copy. One (1) copy shall be forwarded to the State Fire Marshal's office.
- b. Pursuant to §23-35-60 of the 1976 South Carolina Code of Laws, all fireworks display materials shall be purchased through a manufacturer or wholesaler licensed the South Carolina who will supply insurance protection for any accidents that might take place during the display, except as otherwise provided for in this article.
- c. Any display requiring shells to be fired from mortars or set pieces more than sixteen (16) feet high shall be classified as Type "A" and, when such display is used, an experienced fireworks operator shall be in charge for the protection of spectators. Any display commonly called a local or family display, which includes no uncased shells and no shell larger than regular one hundred (100) aerial or set pieces larger than ten (10) feet, may be fired by persons putting on the display who shall assume responsibility for insurance.
- d. No commercial fireworks item such as "Cherry Bombs", T-N-T, M-80's or other domestic items of commercial fireworks or a similar type shall be considered as display fireworks. (1976 SC Code §23-35-60)

**9.302. TOY CAPS AND SIMILAR DEVICES EXCEPTED.**

The term "fireworks" shall not include toy paper pistol caps which contain less than twenty-five hundredth grains of explosive compounds, toy pistols, toy canes, toy guns or other devices using paper caps and the sale, and use of these items shall be permitted at all times.

**9.303. OTHER EXCEPTIONS.**

Nothing in this article shall apply to the manufacture, storage, sale or use of signals necessary for the safe operation of railroads or other public or private transportation; to illumination devices for photographic use; to the military or naval forces of the State or United States; to peace officers; to the sale or use of blank cartridges for ceremonial, theatrical or athletic events nor as applying to the transportation or use of fireworks solely for agricultural purposes.

**9.304. PERMISSIBLE FIREWORKS.**

Nothing in this article shall be construed to prohibit the shipping, sale, possession and use of fireworks for public displays. Such items of fireworks which are to be used for public display only and which are otherwise prohibited for sale and use shall include display shells designed to be fired from mortars and display set pieces of fireworks classified by the regulations of the Interstate Commerce Commission as "Class B Fireworks" and shall not include such items of

commercial fireworks as cherry bombs, tubular salutes, repeating bombs, aerial bombs and torpedoes.

(1976 SC Code, Title 23)

**9.305. PERMISSIBLE SALE OF FIREWORKS.**

It shall be unlawful for persons to possess, sell, offer for sale, store or transport any fireworks other than the permissible fireworks enumerated in Section 23-35-10 of the 1976 South Carolina Code of Laws.

**9.306. SALE TO MINORS.**

It shall be unlawful:

1. To offer for sale or to sell permissible fireworks to children under the age of fourteen (14) years unless accompanied by a parent or guardian;
2. To explode or ignite fireworks within six hundred (600) feet of any church, hospital, asylum or public school;
3. To explode or ignite fireworks within seventy-five (75) feet of where fireworks are stored, sold or offered for sale
4. To ignite or discharge any permissible fireworks within or throw the same from any motor vehicle; and
5. To place or throw any ignited fireworks into or at any motor vehicle. (1976 SC Code §23-35-1 20)

**9.307. IDENTIFICATION AND MARKING.**

No common fireworks permitted in this article shall be sold offered for sale, possessed, stored or used, unless they shall be properly marked to conform to the nomenclature thereof and unless certified as "Common Fireworks" on all shipping cases and by imprinting on the article to be of sufficient size and so positioned as to be readily recognized by law enforcement authorities and the general public.

**9.308. RETAIL HANDLING. STORAGE.**

Fireworks shall not be sold or kept for sale in a place of business where paint, oils, varnishes, turpentine or gasoline or other flammable substances are kept in unbroken containers, unless in a separate and distinct section or department of the store.

#### **ARTICLE IV. FIRE DISTRICT**

Editor's Note. Section 5-25-20 of the 1976 South Carolina Code of Laws provides that, "Any city or town council or a city or town of not less than one hundred (100) inhabitants may equip and control a fire department for the protection of such city or town in such way as it deems necessary and by ordinance establish fire limits in such city or town and prescribe and designate the kind and character of material to be used in erecting and repairing buildings or structures within and upon that portion of such city or town included within such fire limits. All buildings or structures erected within such fire limits contrary to the ordinance of such city or town may be abated and removed by such council as a public nuisance." (Emphasis supplied.)

##### **9.401. DEFINED.**

The fire zone of the Town of Campobello is that area within the fire limits described as:

"All property legally described as being within the corporate town limits of the Town of Campobello as well as all property described by Spartanburg County Council as the Campobello Fire Service Area which covers approximately twenty-five square miles.

#### **ARTICLE V. FIREMEN'S INSURANCE AND INSPECTION FUND**

Editor's Note. This article derives from and §23-9-310 et seq., of the 1976 South Carolina Code of Laws, which sets forth the provisions governing the use of the funds.

##### **9.501. STATE FIREMEN'S ASSOCIATION.**

The Town shall be a member of the State Firemen's Association as required for participation in the Firemen's Insurance and Inspection Fund.

##### **9.502. TRUSTEES. COMPENSATION.**

a. The Mayor, one member of Council and one person at large appointed by the Mayor shall serve as trustees of said fund. They shall have control thereof and direct disbursements under such rules and regulations as may be adopted by them in accordance with state law. (Section 23-9-320 of the 1976 South Carolina Code of Laws provides for these particular members.)

b. They shall serve without compensation.

##### **9.503. BENEFITS ACCEPTED.**

The town hereby accepts the benefits of the Firemen's Insurance and Inspection Fund.

**9.504. RECEIPT AND DISBURSEMENT OF FUNDS.**

- a. The Town Clerk is hereby authorized to receive the benefits of said fund and shall serve as custodian of all funds received. All such funds shall be deposited in a special checking account and paid out only upon approval of the Trustees.
- b. All funds shall be set apart from other funds and equitably used solely and entirely for the Fire Department.
- c. Any disbursement of one thousand dollars (\$1000.00) or more shall first be submitted to the supervising trustees of the State Firemen's Association with a statement of how such funds are to be expended
- d. Upon written approval thereof, of the manner and method by which the funds are to be disbursed, the expenditure shall be made.
- e. If a proposed disbursement is legal and in accordance with law, it shall be mandatory, upon such supervising trustees to give their approval.

(1976 SC Code §23-9-450)

**9.505. USE OF FUNDS.**

- a. When the members of the department, by a majority vote, shall provide for the expenditure of any such funds for the collective benefit and enjoyment of the entire department, it shall be mandatory for the local trustees and the State trustees of the State Firemen's Association to approve such expenditure.
- b. No such funds shall be expended in any manner for any purpose for which the city may be legally liable.
- c. No funds shall be divided among the fire fighters in cash. (1976 SC Code §23-9-460)

**9.506. CUSTODIAN OF FUNDS. DISBURSEMENTS BY CHECK.**

- a. The Town Clerk/Treasurer shall be custodian of all funds.
- b. All disbursements shall be made by check, signed by him/her.

(1976 SC Code §23-9-340)

**9.507. STATE FIRE MARSHALL REPORTS.**

The Town Clerk shall submit reports to the State Fire Marshall, as required by the 1976 South Carolina Code of Laws, §23-9-360.

(Editor's Note. This article summarizes the salient provisions of §23-9-310, et seq., of the 1976 South Carolina Code of Laws.)

**ARTICLE VI. CONTROLLED BURNS**

**9.601. RESIDENTIAL AREAS**

In the municipality of Campobello, only the following practices comply with the State of South Carolina's air pollution control regulations:

- A. Open burning of leaves, tree branches, or yard trimmings that originated on the premises of private residences and being burned on those premises.
- B. Open burning in connection with the preparation of food for immediate consumption.
- C. Campfires and fires used solely for recreational purposes, ceremonial occasions, or human warmth.
- D. Open burning of construction waste from new construction being burned on the property where the construction is occurring if the burning only includes non-treated lumber scraps, burned no closer than 500 foot to any occupied structure, and burned only between the hours of 9:00 A.M. and 3:00 P.M.

**9.602 NON-RESIDENTIAL AREAS**

- A. Outdoor burning listed above in letters A-D and
- B. Fires purposely set by the South Carolina Forestry Commission to forestlands for specific management practices.
- C. Open burning for the purpose of land clearing or right-of-way maintenance that meets the following criteria:
  - 1. The location of the burning is not less than 1000 feet from public roadways and all residential, commercial, and industrial sites not a part of the contiguous property on which the burning is conducted.
  - 2. Winds during the time of the burning are carrying the smoke away from any area containing public roadways, residential, commercial, or industrial sites where the ambient air in the area will be significantly affected by the smoke.
  - 3. The amount of dirt on the material being burned has been minimized.
  - 4. No heavy oils, asphaltic materials or items containing natural or synthetic rubber or any other materials other than plant growth are being burned.

5. The initial burning is started only between the hours of 9:00 A.M. and 3:00 P.M. and no combustible material is added to the fire between 3:00 P.M. of one day and 9:00 A.M. the following day.
6. No more than two (2) piles 30'x30' or an equivalent size are being burned within a six (6) acre area at one time.
7. If the burning is being conducted for land clearing, all salvageable timber and pulpwood must be removed prior to the burning.

### **9.603 PROHIBITED BURNING**

In the Municipality of Campobello, any of the following outdoor burning practices DO NOT comply with the State's regulations and are considered illegal burning:

- A. Open burning of household garbage.
- B. Open burning of any heavy oils, asphaltic materials, and items containing natural or synthetic rubber or any material other than plant growth.
- C. Open burning of any structural demolition debris or the intentional burning of any structure for any reason.
- D. Open burning of wire to remove protective insulation.

## **ARTICLE VII. PENALTY**

### **9.701. PENALTY**

Any violation of this chapter shall be deemed a misdemeanor, punishable by Municipal Court and shall carry a fine of \$200.00 plus assessments and/or thirty (30) days in jail.

(1976 SC Code 5-7-30, 14-25-65)