

Town of James Island

Emergency Ordinance to Adopt the South Carolina State-Wide Burn Ban

Whereas, Section 5-7-250 (d) of the South Carolina Code of Laws authorizes municipal councils to adopt emergency ordinances to meet public emergencies; and

Whereas, the South Carolina State Forester has imposed a ban for all counties, effective at Tuesday, April to prohibit burning including, yard debris burns, forestry, wildlife or agricultural burns. Recreational campfires are excluded from this ban; and

Whereas, the ban was imposed in the interest of public safety amid the current public health threat posed by COVID-19 virus.

Whereas, not only can smoke exacerbate the symptoms of those who have contracted the virus, but it also can trigger underlying respiratory issues in otherwise unaffected individuals, which could result in symptoms similar to those the COVID-19 virus is known to cause. "For infected individuals, breathing smoke could make coronavirus symptoms worse, increasing the risk of hospitalization or death," and "It could also cause people who have not contracted the coronavirus, but who are presenting COVID-19-like symptoms, to seek medical care at a time when medical resources are already stretched thin," and

Whereas, the ban will stay in effect until further notice, which will come in the form of an official announcement from the Forestry Commission,

Whereas, the State Forester is not authorized to ban burning within a municipality according to Section 48-35-30 of the South Carolina Code, and

Whereas, Council finds that the reasons for the burn ban applies to the area of jurisdiction of the Town, and

Whereas, the James Island Public Service District Fire Chief has requested that the Town of James Island adopt the state-wide ban for unincorporated areas;

Therefore, the Council of the Town of James Island hereby prohibits all public burning within its jurisdiction, including yard debris burns, and all such other fires consistent with the order from the State Forester regarding unincorporated areas of the State, however excluding recreational campfires.

Further, the Town authorizes enforcement by the James Island Public Service District Fire Department, the Charleston County Sheriff's Office, and the Town's Code Enforcement Officers. With violations punishable according Section 10.99 of the Town's Code of Ordinances, such that an offender shall be fined not more than \$500 or imprisoned for not more than 30 days. However, no penalty shall exceed the penalty provided by state law for similar offenses. A separate offense shall be deemed committed on each day that a violation occurs or continues. This emergency ordinance shall expire automatically on the sixty-first day following its enactment.

Done as an Emergency Ordinance and approval at a meeting duly assembled by no less than affirmative vote of two-thirds of the members of Council present, this 16<sup>th</sup> day of April, 2020.

This ordinance shall become effective upon ratification.

Bill Woolsey

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Mayor

ATTEST

Ashley Kellahan

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Ashley Kellahan

Town Administrator