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Board of Commissioners Policy

Policy on Structure Burning

(Adoption Date: October 16, 1991)

(Updated: June 4, 2003)

Policy Statement: As directed by the Board of Commissioners, The Town of Nags Head will not burn structures at the request of property owners solely for the purpose of destruction. Structures meeting the following criteria will be considered for approval by the Board of Commissioners:

- A. Those structures deemed by the Town Manager to be a threat to the health, safety, and welfare of the citizenry, AND,
- B. Those structures whose intentional burning, as determined by the Town Manager, will not threaten the health, safety, and welfare of the citizenry, AND
- C. Those structures whose intentional burning, as determined by the Town Manager, will benefit the Fire Department in various aspects of firefighter training, AND,
- D. Those structures deemed by the Town Manager to be of no historic value to the Town.

Policy

Prior to the controlled burning of any structure in The Town of Nags Head, the following procedures shall be followed:

1. The requesting property owner must submit a formal written request with the Fire Department describing the structure to be burned.

Responsible for Update: Director of Public Safety

2. If the requested structure is located in an Area of Environmental Concern, a Coastal Area Management Act (CAMA) permit must be secured by the property owner before submitting a request to the Fire Department.
3. The property owner will be charged a non-refundable inspection fee of \$25.00. Once this fee is paid, the Fire Chief shall inspect the structure and surrounding area for adequate water supply and potential exposure to adjacent structures.
4. The Fire Chief shall make a recommendation to the Town Manager regarding the conditions set forth in Chapter 9-3(b) of the Nags Head Code of Ordinances which states:

"A burning permit to burn any structure shall be required and may be issued for burning of those structures which have been determined by the Fire Chief and Board of Commissioners (i) to be a threat to the health, safety and welfare of the citizens and visitors of the town, and (ii) the actual burning of which will not be a threat to the health, safety, and welfare of the citizens of the town."
5. The Town Manager will determine, based on a recommendation of the Fire Chief, if the burning is beneficial to firefighter training for the Fire Department.
6. The Town Manager will make a recommendation to the Board of Commissioners regarding the approval or disapproval of the requested structure burn. The Board of Commissioners reserve ultimate authority to approve all controlled structure burns.
7. The Board of Commissioners, as a condition of the issuance of a permit, shall require a clean-up bond to be executed by the person desiring a burn permit. The bond shall be executed with cash, a cashier's check, a certified check, or a performance bond by a surety licensed in the State of North Carolina. Such bond or check shall be made payable to the Town of Nags Head for such amount the Town Manager may determine to be adequate to clean up the debris, considering the size and circumstances surrounding the burning of such structure.
8. As stipulated in the Code of Ordinances, no permit shall be issued to burn any structure between Friday of Memorial Day weekend through Monday of Labor Day weekend unless specifically authorized by the Board of Commissioners. Authorization by the Board for a permit during the above time period will only be given in cases, such as a natural disaster, when the health, safety, and welfare of the Town's citizens and visitors are immediately threatened.
9. As stipulated in the Code of Ordinances, the Town Fire Department will be responsible for burning any structure for which a permit has been issued.
10. The property owner will be responsible for payment for all water used during the structure burn. The water rate will be calculated by gallons per minute pumped on the premises. The Fire Chief will be responsible for computing the amount of water used during the burn.

11. The property owner will be responsible for clean-up of the site within fifteen (15) days of the actual burn. Any resulting debris shall not be burned by the property owner.
12. In the event a property owner fails to clean up the burn site within fifteen (15) days, formal written notice will be given to the property owner responsible for clean-up. If the site is not cleaned after fifteen (15) days of formal written notification, the Town, in its sole discretion, shall complete the clean-up of the site utilizing the proceeds of the bond.
13. The owner is responsible for the cost of removal and disposal of any hazardous substance such as asbestos and to have the building certified by a licensed inspector to be free of all hazardous substances before releasing the structure to the Fire Department.
14. Staff will not be allowed to be involved in the destruction of an historic building by burning which has reasonable possibility of being repaired and/or restored.