

Department of Legislative Services
Maryland General Assembly
2013 Session

FISCAL AND POLICY NOTE

House Bill 465

(Delegate Otto)

Environmental Matters

Education, Health, and Environmental Affairs

Somerset County - Emergency Burning Ban - Adoption and Enforcement

This bill authorizes the Somerset County Commissioners to adopt an emergency burning ban effective throughout the county. The bill prohibits a person in Somerset County from starting or allowing open air burning during an emergency burning ban, except under specified circumstances. In addition, the county commissioners may, by resolution, set a fine for a violation of an emergency burning ban. The county sheriff may assess a fine against any person believed to be in violation of an emergency burning ban.

Fiscal Summary

State Effect: None.

Local Effect: Potential minimal increase in Somerset County fine revenue to the extent fines are authorized by the county commissioners and assessed by the Sheriff's Office. County expenditures are not affected.

Small Business Effect: None.

Analysis

Current Law: A person may not start or allow open air burning in an area in which a burning ban imposed by the Secretary of Natural Resources is in effect. This prohibition does not apply to supervised burnings 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 any other supervised burning conducted under the direct control and supervision of qualified fire instructors or, in Wicomico County,

Worcester County, or Somerset County, specified personnel of a fire department that has jurisdiction over the area where the supervised burning occurs.

“Open air burning” means 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. The term does not include 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 any other supervised burning conducted under the direct control and supervision of qualified instructors. A “burning ban” means a complete ban on all open air burning that is declared by the Secretary of the Department of Natural Resources or the Governor as a result of prolonged or unusual conditions conducive to the easy starting and spread of fire.

Additional Information

Prior Introductions: None.

Cross File: SB 424 (Senator Mathias) - Education, Health, and Environmental Affairs.

Information Source(s): Somerset County, Department of Legislative Services

Fiscal Note History: First Reader - February 7, 2013
ncs/hlb

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