

## **DECLARATION OF A FIRE DANGER EMERGENCY**

**WHEREAS**, weather or other conditions exist which may make the open burning of any substance unduly hazardous and a danger to public safety, and in conjunction with the North Carolina Forest Service's burn ban which was instituted on Sunday, November 5, 2023 at 5:00 p.m. the Mayor has declared a "Fire Danger Emergency"; and

**WHEREAS**, as a result of the above-described emergency I have determined that there is an imminent threat of, or existing conditions may cause or could cause, widespread or severe damage, injury, or loss of life or property; and

**WHEREAS**, declaring a Fire Danger Emergency and imposing the restrictions and prohibitions ordered herein is necessary to maintain order and protect public health, safety, and welfare, and to secure property.

**NOW, THEREFORE**, pursuant to the authority vested in me as the Mayor of the Town of Franklin under Article 1A of Chapter 166A of the North Carolina General Statutes and Chapter 34 of the Town of Franklin Code of Ordinances:

**Section 1.** A Fire Danger Emergency is hereby declared within the jurisdiction of Franklin.

**Section 2.** The emergency area covered by this state of emergency shall be the town limits of the Town of Franklin and its extraterritorial jurisdiction.

**Section 3.** The following restrictions and prohibitions are imposed:

- a. All open burning of any substance shall be prohibited within any or all of the Town of Franklin until such time as the burn ban declaration from the North Carolina Forest Service has been rescinded; and
- b. Open burning means the intentional burning of any substance, whether natural or manmade, or the intentional casting off of any burning substance, whether natural or manmade, except the burning of such substance in a container sufficient so as to prohibit the escape of any of the burning substance, or any sparks, flames or hot ashes from the container; and
- c. The escape of any of such burning substance, or the escape of any sparks, flames or hot ashes from any such container shall be deemed prima facie evidence that the container was insufficient so as to meet the exception from the definition of an open burning set forth herein.
- d. The maintaining of a fire in any interior fireplace, stove or furnace is specifically excluded from the definition of an open burning as contemplated by this declaration.

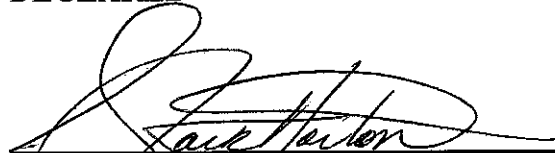
**Section 4.** I hereby order all Town of Franklin law enforcement officers, employees, and all other emergency management personnel subject to our control to cooperate in the

enforcement and implementation of the provisions of this Declaration, all applicable local ordinances, state and federal laws, and the Town of Franklin Emergency Operations Plan.

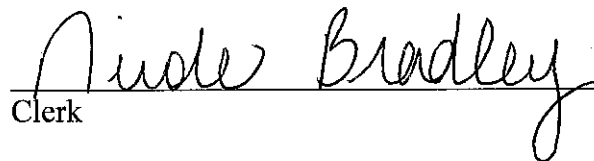
**Section 5.** I hereby order this declaration: (a) to be distributed to the news media and other organizations calculated to bring its contents to the attention of the general public; (b) to be filed with Clerk to the Town of Franklin Town Council and (c) to be distributed to others as necessary to ensure proper implementation of this declaration.

**Section 6.** This declaration shall take effect on Monday, November 6, 2023 at 8:00 a.m. and shall remain in effect until modified or rescinded.

**DECLARED**

  
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Mayor C. Jack Horton

**ATTEST:**

  
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Clerk

