



CHAPTER 106
ARTICLE 78 - REGULATION OF OPEN FIRES

N.C.G.S. § 106-950.

Exempt fires; no permit fees.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT S.L. 2021-78, s. 3(a) — fifth act in the lineage	RETRIEVED 21 September 2026, 04:43 UTC	SOURCE FINGERPRINT c1197dedda4b7c4774443445 - 940e99e96a9b6189e86fb1d6 - 15e23a444a07a1f2
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§ 106-950(a) This Article does not apply to any fires started, or caused to be started, within 100 feet of an occupied dwelling house if the fire is confined (i) within an enclosure from which burning material may not escape or (ii) within a protected area upon which a watch is being maintained and which is provided with adequate fire protection equipment.

§ 106-950(a1) Except in cases where the Commissioner has prohibited all open burning during periods of hazardous forest fire conditions or during air pollution episodes declared pursuant to Article 21B of Chapter 143 of the General Statutes, this Article does not apply to, and no air quality permit shall be required for, the burning of polyethylene agricultural plastic used in connection with agricultural operations related to the growing, harvesting, or maintenance of crops, when all of the following conditions apply:

- (1) The burning does not violate any State or federal ambient air quality standards.
- (2) The burning is conducted between an hour after sunrise and an hour before sunset.
- (3) The fire is set back at least 250 feet from any paved public roadway and at least 500 feet from any dwelling, group of dwellings, commercial or institutional establishment, or other occupied structure not located on the property on which the burning is conducted.
- (4) The burning is conducted in a manner such that it does not constitute a public nuisance.
- (5) The burning is conducted by any of the following means:

- a. By professionally manufactured equipment solely for the purpose of plastic mulch burning or incineration and approved by the Commissioner.
- b. By a fire that is enclosed in a noncombustible container.
- c. By a fire that is restricted to a pile no greater than eight feet in diameter built upon ground cleared of all combustible material.

§ 106-950(a2)

Except in cases where the Commissioner has prohibited all open burning during periods of hazardous forest fire conditions or during air pollution episodes declared pursuant to Article 21B of Chapter 143 of the General Statutes, this Article does not apply to any fires started, or caused to be started, for cooking, warming, or ceremonial events, if the fire is confined (i) within an enclosure from which burning material may not escape or (ii) within a protected area upon which a watch is being maintained and which is provided with adequate fire protection equipment.

§ 106-950(b)

No charge shall be made for the granting of any permit required by this Article.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
5 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

1981		2001		2021	
TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT			
Nº	YEAR	ACT	CHARACTER		
01	1981	c. 1100, s. 2	ENACTED		
02	2011	S.L. 2011-145, s. 13.25(w)	AMENDED		
03	2015	S.L. 2015-286, s. 4.39(a)	AMENDED		
04	2017	S.L. 2017-102, s. 15.2	AMENDED		
05	2021	S.L. 2021-78, s. 3(a)	AMENDED		

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 106-950 (2021).

PINPOINT

N.C. Gen. Stat. § 106-950(a) (2021).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE

(1981, c. 1100, s. 2; 2011-145, s. 13.25(w); 2015-286, s. 4.39(a); 2017-102, s. 15.2; 2021-78, s. 3(a).)

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