

(2) "Burning ban" means a complete ban on all open air burning that is declared by the Secretary or the Governor as a result of prolonged or unusual conditions conducive to the easy starting and spread of fire.

(3) [(i)] "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.

[(ii)] "Open air burning" 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.]

(4) "Public officer" means:

(i) The authorized agents of the Department; or

(ii) Any police officer who is authorized to enforce the laws of the State or of a political subdivision of the State.

(b) (1) [A] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A person may not start or allow open air burning in an area in which a burning ban imposed by the Secretary OR THE GOVERNOR is in effect.

(2) THIS SUBSECTION DOES NOT APPLY TO:

(I) 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

(II) ANY OTHER SUPERVISED BURNING CONDUCTED UNDER THE DIRECT CONTROL AND SUPERVISION OF:

1. ~~QUALIFIED INSTRUCTORS FROM A FIRE DEPARTMENT TRAINING CENTER~~ A QUALIFIED QUALIFIED FIRE INSTRUCTOR INSTRUCTORS; OR

2. ~~IN WICOMICO COUNTY, A~~ A IN WICOMICO COUNTY, WORCESTER COUNTY, OR SOMERSET COUNTY, A FIRE CHIEF, CAPTAIN, OR FIRE LINE OFFICER IN CHARGE OF A FIRE DEPARTMENT THAT HAS JURISDICTION OVER THE AREA WHERE THE SUPERVISED BURNING OCCURS.