

**Kingwood Property Owners' Association**  
**Proposed Covenant Amendment**  
**April 30, 2024**

For the past several years, some Kingwood residents have questioned our covenants concerning burning. The KPOA Board feels that the recent fires in the area validate those concerns.

**Current Covenant**

Article IV, Section 15 – Burning: Burning of trash on any lot is prohibited. Unregulated burning of leaves or underbrush must be supervised and requires a permit from the Henderson County Fire Marshal.

**Proposed Amendment**

Article IV, Section 15: Burning: The use of fireworks and other incendiary devices, the setting of bonfires, and the burning of trash and yard waste (such as leaves, branches, or underbrush) is strictly prohibited. There shall be no burning of materials in a pit dug in the ground. Fires of any type are prohibited during County burn bans or during hazardous conditions.

Fires in chimeneas, outdoor fireplaces, or other receptacles made of steel, brick, cement or other flame-resistant materials may be undertaken only during low-risk weather conditions and lot owners must follow manufacturer guidelines for use. All such contained burns must be attended constantly and fully extinguished before being abandoned. A portable fire extinguisher or other extinguishing device (water, sand, dirt, or other means of suffocating flames) shall be constantly available for use near the burning container. Natural gas or propane fueled fires are preferred.

Lot owners shall be responsible for any and all damage that occurs to other property or people from fires on their lot.

**Rationale:**

The KPOA Board sees the following issues as strong justification for amending our current covenants:

1. In wooded, residential neighborhoods such as ours, fire is the greatest threat we face and prevention of fires is critical. Recent forest fires in our community over the past few years have brought into focus how even well intentioned and careful individuals are, fires can easily get out of control, some even reigniting after appearing to be fully extinguished.
2. The Edneyville fire last fall started as a debris burn on private property when embers likely popped back up and started the fire. Despite having a burning permit and taking precautions, this fire reignited and burned 434 acres; destroying one home, two cabins, an uninhabitable mobile home, an uninhabitable cabin, two outbuildings, and damaged another home. In addition, two firefighters suffered minor injuries resulting from the fire.
3. Kingwood, and especially properties on Kingcrest Drive, has very strong winds, increasing the risk of fires spreading quickly.

4. For most homes, there is only one way in and out of the neighborhood, limiting residents' ability to evacuate swiftly and safely.
5. The current burn covenant may expose Kingwood to liability and insurance issues in the event of a fire starting in our community.
6. There are other safer options for disposing of lot debris, underbrush, or fallen trees. The risk of out-of-control fires that threaten our homes, possessions, and our lives is not justified or necessary.
7. Chimeneas, outdoor fireplaces, and fires in other receptacles made of steel, brick, cement, or other flame-resistant materials pose a much lower risk than open burning, but safety guidelines in the new covenant will help to further reduce the risk of fire. Natural gas or propane fueled fires are preferred.

The Board voted unanimously to amend the current burning covenant on March 12, 2024. In accordance with the North Carolina Planned Community Act, Section 47F-2-117, an affirmation vote of 67% of the community (40 property owners) is required to approve the amendment to the Kingwood Covenants. The proposal will be discussed at the Annual Meeting and ballots will be mailed out after the meeting.