

FIRE PREVENTION ORDINANCE

OPEN BURNING

Purpose

The purpose of this Ordinance is to protect public health, safety, and welfare by regulation of open burning within the Town to achieve and maintain, and to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development; and, for the protection of life and property of the residents and visitors to the Town. This article is intended to supplement the applicable regulations promulgated by the State air pollution control board and other applicable regulations and laws.

Open Burning Prohibited

(a) Except as provided in this section, there shall be no open burning of any material, substance, or thing within the Town. No one shall burn leaves, tree, yard and garden trimmings, except as may be allowed in this ordinance.

(b) Subparagraph (a) shall not apply to the kinds of open burning described below in this subsection, which shall be allowed within the Town, under written permit from the Fire Chief, on written application made no less than five day prior to the proposed burning. The permit may be issued at no charge and shall assure that the open burning shall comply with this Ordinance, State Laws and Regulations; with any other applicable legal rule, and with any condition imposed by the Fire Chief to assure the safety and propriety of the open burning.

1. Open burning is permitted for training and instruction of government and public firefighters under the supervision of the designated official or industrial in-house firefighting personnel. The designated official in charge of the training shall notify and obtain the approval of the Town Manager and by permit from the Fire Chief prior to conducting the training exercise. Training schools where permanent facilities are installed for firefighting instruction are exempt from this notification requirement.

2. Open burning is permitted on land in the Town that is in an agricultural zoning district, or that is within a current agricultural or forestal or agricultural and forestal district of the Town, or that is used for bona fide agricultural or forestal, or both, purposes and further burning is permitted for forest

management and (in the absence of other means of disposal) agricultural practices under the following conditions:

(a) The burning shall be at least fifty feet from any occupied building, other than an unoccupied building located on the property on which the burning is conducted by permit from the Fire Chief. The burning shall be conducted at the greatest distance practicable from highways, schools and nursing homes. If the Fire Chief determines that it is necessary to protect public health and welfare, the Fire Chief may direct that this distance be increased.

(b) The burning shall be attended at all times.

(c) Forest management, and agricultural practices, respectively, shall mean:

Forest management practices: Reduction of forest fuels and minimization of the effects of wildfires; control of undesirable growth of hardwoods; control of disease in pine seedlings; preparation of land for planting or seeding; creation of a favorable habitat for certain species of wildlife; and removal of dead vegetation for the maintenance of railroad, highway, or public utility right-of-way.

(d) Agricultural practices: Destruction of undesirable vegetation; clearance of orchards and orchard pruning; destruction of fertilizer and chemical containers; denaturing of seed and grain which may no longer be suitable for agricultural purposes; prevention of loss from frost or freeze damage; creation of a favorable habitat for certain species of wildlife; and destruction of strings and plastic ground covering remaining in the field after being used in growing staked tomatoes.

5. Open burning is permitted for disposal of land-clearing refuse on the site of clearing operations resulting from the development or modification of roads or highways, parking areas, or sanitary landfills; or from any other land-clearing operation which may be first approved by the Fire Chief and Town Manager. Any burning permitted under this subparagraph shall meet, as determined by the Town Manager, and Fire Chief, the following conditions:

(a) The burning shall be at least fifty feet from any occupied building, other than an unoccupied

building located on the property on which the burning is conducted by permit from the Fire Chief. The burning shall be conducted at the greatest distance practicable from highways, schools and nursing homes. If the Fire Chief determines that it is necessary to protect public health and welfare, the Fire Chief may direct that this distance be increased.

(b) All reasonable efforts shall be made to minimize the amount of material burned. Such efforts shall include, but are not limited to, the removal of pulpwood, saw logs, and firewood.

(c) The material to be burned may consist of brush, stumps, and similar land clearing refuse generated at the site and shall not include demolition material or any refuse brought in from other sites.

(d) The burning shall be attended at all times and conducted in such a manner as to ensure the best possible combustion with a minimum of smoke being produced. The burning shall not be allowed to smolder beyond the minimum period necessary for the destruction of the materials.

(e) The burning shall be conducted only when the prevailing winds are away from any city, town, or built-up area.

6. Upon declaration of an alert, warning, or emergency stage of an air pollution episode, as defined by state law or regulation, or when deemed advisable by the Virginia Department of Air Pollution Control to prevent hazard to, or an unreasonable burden upon, public health and welfare, no owner or other person shall cause or permit open burning in the Town. Any such in-process burning shall be immediately terminated.

Bonfires

(a) No person shall kindle or maintain any bonfire or authorize any such fire to be kindled or maintained on any private land, unless the location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure.

(b) Bonfires shall be constantly attended by a competent person until such fires are extinguished. This person shall have a garden hose connected to the water supply or other fire extinguishing equipment readily available for use.

(c) A permit must be obtained by the Fire Chief. The Fire Chief may prohibit any or all bonfires when atmospheric conditions or local circumstances make such fires hazardous and may be determined by the Fire Chief.

(d) Here, "bonfire" shall mean a campfire or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers, and that are not fueled by any rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum based materials, hazardous waste, or hazardous waste containers.

Recreational Fire

An outdoor fire burning ordinary and customary materials, other than rubbish contained in an outdoor fireplace, barbeque grill or barbeque pit which has a total fuel area of 3 feet or less in diameter and 2 feet or less in height may be made for pleasure, religious, ceremonial, cooking, warmth or similar purpose, but open burning that is offensive or objectionable because of smoke or odor emissions shall be extinguished and all such burning shall be subject to the authority of the Fire Chief.

Penalty; Enforcement

(a) It shall be unlawful and constitute a Class 3 misdemeanor to violate any provision of this article, unless otherwise specified.

(b) This article shall be enforced by the Town Manager and Fire Chief. The Town Manager shall allocate adequate Town resources for this purpose and practice intergovernmental cooperation and exchange of information.

(c) Any violation or failure to conform to the provisions of this Ordinance may be abated or eliminated by suit for injunction or other appropriate legal proceeding by action of the Fire Chief.

(d) If any person carelessly, negligently or intentionally set any woods or marshes on fire, or set fire to any stubble, brush, straw, grass lands, trash, leaves, or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be guilty of a Class 4 misdemeanor, and shall be liable for the full amount of all expenses incurred in fighting the fire. (18.2-88).

Open Burning Ban

(a) The Chief of the Fire Department is authorized to place a ban or conditions on open burning within the Town. The ban shall continue until the Chief of the Fire Department has determined that the dry conditions endangering lives and property within the Town no longer exist at its sole discretion or that of the Town Manager should the Fire Chief not be available. Any such ban or conditions will be effective after a notice is published one time in a newspaper of general circulation in the town.

(b) Any person violating an Order of the Chief of the Fire Department, issued in accordance with this section, shall be guilty of a Class 1 misdemeanor.

Authority of Fire Chief

(a) At any fire, within the Town the Fire Chief shall have command over his assistants and over all other persons who may be present and may appoint the stations and operations of the companies with their engines and of all others for the purpose of extinguishing the fire, removing things from any building on fire or in danger thereof, guarding the same and suppressing all tumult and disorder.

Adopted this 9th day of June, 2011.