

Ordinance #184

CHAPTER 12

Fire Prevention and Protection

AMEND:

Article II. Fire Prevention

Sec. 12-26. - Adoption.

Pursuant to Chapter 9 of Title 27, Code of Virginia, an ordinance authorizing the Farmville Volunteer Fire Department to enforce the provisions of the latest edition adopted of "The Statewide Fire Prevention Code".

The town council hereby designates Town of Farmville Fire Marshal to act as enforcing agency for the enforcement of the latest edition adopted of "The Statewide Fire Prevention Code" duly adopted by the Virginia Board of Housing and Community Development under authority of Code of Virginia, § 27-97.

Statewide Fire Prevention Code

Chapter 3 *General Precautions Against Fire*

*307.1 Title and Purpose.* Delete and substitute section 307.1 as follows:

This article shall be known as the Town of Farmville Ordinance for the regulation of open burning. The purpose of this article is to protect public health, safety, and welfare by regulating open burning within the Town of Farmville to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This article is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.

*307.2 Definitions.* Delete and substitute section 307.2 as follows:

For the purpose of this article and subsequent amendments or any orders issued by the Town of Farmville, the words or phrases shall have the meaning given them in this section.

A. Outdoor cooking mean the outdoor preparation of food, for both commercial and non-commercial purposes, when such preparation in accordance with the Statewide Fire Prevention Code and the Code of the Town of Farmville.

B. Open burning means the burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without passing through a stack, duct or chimney.

C. Fire pit means a commercially fabricated container used solely for recreational fire purposes.

*307.3 Open Burning Regulations.* Delete and substitute Section 307.3 as follows:

~~A. No person shall cause or permit open burning within the Town of Farmville.~~

A. Open Burning Regulations for Tree and Garden Trimmings – 15 Day Permit/Bon Fires One Day Permit

This section shall permit the opening burning of tree and garden trimmings subject to the requirements of this section. Tree and garden trimmings shall be defined as any vegetation that would be commonly removed from trees, shrubs or garden plants during the normal pruning process, along with any twigs or

small branches that fall from trees during normal thunderstorms or on windy days and any plants removed from a garden after the growing season (corn stalks, tomato vines, beans vines, etc.)

Opening burning does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct, nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations, and orders of the federal government, the Commonwealth of Virginia and the Town of Farmville.

1. Burning of the following is prohibited:

- A. Toxic or hazardous materials or containers for such materials
- B. Rubber tires, asphaltic material, crankcase oil, impregnated wood, or similar materials
- C. Paper, used lumber or trade waste
- D. Building and/or demolition material
- E. Household/commercial trash or refuse

A "written permit" is required for the open burning of tree and gardening trimmings.

- A. The permit application shall be submitted at least 15 days before the desired burn date.
- B. The permit will be valid for 15 days; limited to two permits per burn season per address. Burn season (at any time of day) is May 1 through February 14.
- C. A detailed application shall be submitted for each permit requested.
- D. Fifteen (15) day permits are NOT renewable.
- E. Only one pile shall be burned at a time and shall not exceed the size of 6' x 8' x 4'
- F. The location of the burning shall be a minimum of 300 feet from any occupied building unless the occupants have given prior written permission. If the occupants of the building are not also the owners of the building, then the owner's permission shall also be required.
- G. All permitted fires shall be at least 150 feet from any building and/or structure, to include combustible fencing.
- H. The burning shall take place on the premises of the private property from which the tree and garden trimmings were taken.

3. The burning of limbs, tree trunks, logs or stumps is considered Property Maintenance or Land Clearing and is not allowed under this section.

4. The following applies to ALL open burning in Town of Farmville:

- A. Fires shall be constantly attended by a competent person until extinguished and no longer smoldering.
- B. The attendee shall provide adequate fire extinguishing equipment to control and/or extinguish the fire should it start to spread or get out of control.
- C. The Virginia Department of Forestry requires that any open burning from February 15 through April 30 of each year, within 300 feet of woodland, brush land, or field containing dry grass or other combustible material leading to woodland, be done between the hours of 4:00 p.m. and 12:00 midnight.

- D. A written permit must be obtained from the Town of Farmville Treasurer Office. Application permit shall include \$25.00 fee for the permit, completed permit application, and approval of the Fire Marshal of the Town of Farmville and Fire Chief of the Farmville Volunteer Fire Department.
  - E. Any permit holder shall be required to contact the Farmville Emergency Communication Center (434.392.3332) within twenty-four (24) hours of the items to be burned, and must provide an exact time for when the burning will commence.
5. Failure to comply with the above conditions will constitute a violation of the law, which will result in possible legal action.

B. Open Burning Regulations for Debris from Land Clearing and Property Maintenance

This section shall permit the open burning of any natural debris waste generated from the development of property. Debris shall be defined as limbs, tree trunks, logs, stumps, and other closely related natural waste that is generated during the removal of unwanted, leaning, hazardous or dead trees, regardless of size, during normal upkeep, development or landscaping of the property.

1. A written permit shall be obtained from the Town of Farmville Treasurer Office. A detailed application for the permit shall include:
- A. A \$400.00 fee for permit.
  - B. A completed permit application.
  - C. A site plan of the burn site.
  - D. A certificate of liability insurance coverage for party performing the burn. The permit holder must maintain liability insurance in the minimum amount of \$1,000,000 general liability coverage at all times while burning is taking place.

The permit application shall be submitted at least 15 days before the desired burn date.

3. Permitted open burning does not exempt or excuse a person from the consequences, damages or injuries which may result from such conduct, nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations and orders of the federal government, the Commonwealth of Virginia and the Town of Farmville.
4. Burning of the following is prohibited:
- A. Toxic or hazardous material, or containers for such materials.
  - B. Rubber tires, asphaltic material, crankcase oil, impregnated wood, or similar materials.
  - C. Paper, used lumber, or trade waste.
  - D. Buildings and/or demolition material.
  - E. Household/commercial trash or refuse.
5. The burning shall take place on the site from which the debris waste was generated. All reasonable effort shall be made to minimize the amount of material that is burned, with the number and size (25 feet in width by 25 feet in length by 15 feet in height) of the debris piles approved in advance by the Fire Chief of the Farmville Volunteer Fire Department and Fire Marshal of the Town of Farmville.
6. Permitted fires shall be constantly attended by a competent person until they are extinguished and shall be conducted to ensure the best possible combustion with a minimum of smoke and fly ash

being produced. The operator and equipment to control and/or extinguish the fire(s) shall be within 100 feet of the pile at all times.

7. Permit will be valid for fifteen (15) calendar days from the date of issuance. A one-time fifteen (15) day extension may be requested prior to the expiration of the permit. Once a permit has expired, the applicant shall be required to submit a new application and pay another permit fee. In either case, a re-inspection of the site may be required.
8. Fires shall be at least 500 feet from any occupied building, unless the occupants have given prior written permission. If the occupants of the building are not also the owners of the building, then the owner's permission shall also be required.
9. All permitted fires shall also be 150 feet from any building and/or structure, and any other combustible material.
10. A copy of the permit, site plan, guidelines, and all applicable conditions shall be kept at the burn site.
11. The Virginia Department of Forestry requires that any open burning, from February 15 through April 30 of each year, that is located within 300 feet of any woodland, brush land, or field containing dry grass or any other combustible material leading to woodland, be commenced and extinguished between the hours of 4:00 p.m. and 12:00 midnight.
12. Any permit holder shall be required to contact the Farmville Emergency Communication Center (434) 392-3332, within twenty-four (24) hours of the proposed burning, and must provide an exact time for when the burning will commence.
13. Failure to comply with the above conditions will constitute a violation of the law, which will result in legal action.

307.3.1 Exemptions. Not requiring a permit Add subsection 307.3.1 as follows:

- A. Open burning for training and instruction of fire fighters under the supervision of the designated official; and
- B. Open burning for fires that are solely for outdoor cooking; and
- C. Open burning in a fire pit that is solely for recreational purposes.

The foregoing ordinance was adopted by the Farmville Town Council at their regular monthly meeting held on Wednesday, July 12, 2017.

/s/ \_\_\_\_\_