

**Sec. 7-9. - Enforcement of fire code.**

The Isle of Wight County Coordinator of Fire/EMS is hereby appointed as fire code official for purposes of this Chapter 7, Article III and shall be vested with the authority to enforce those provisions of the Virginia Statewide Fire Prevention Code, or such other more restrictive regulations, as the Isle of Wight County Board of Supervisors may deem appropriate pertaining to fires and other related laws and regulations including those laws prohibiting parking in fire lanes. (10-2-08.)

**Sec. 7-12. - Limitation on setting fires in or near woodlands or brushlands.**

(a)

During the period beginning February 15 and ending April 30 of each year, it shall be unlawful for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire, located in or within three hundred feet of any woodland, brushland or field containing dry grass or other inflammable material except between the hours of 4:00 p.m. and 12:00 midnight.

(b)

Any person violating any provision of this section shall be guilty of a Class 3 misdemeanor for each separate offense. If any forest fire shall originate as a result of such violation, such person shall, in addition to such penalty, be liable to the state and to the county for the full amount of all expenses incurred by the state and the county, in suppressing such fire, such amount to be recoverable by action brought by the state forester in the name of the commonwealth, on behalf of the commonwealth, or by the fire code official on behalf of the county. (10-2-08.)

**Sec. 7-13. - Open burning generally prohibited; exceptions.**

(a)

Within the development service districts (DSDs), as specified in this article, open fires and open burning are generally prohibited except as provided in this Chapter 7, Article III.

(b)

In all other non-DSD designated areas of the county, open fires and open burning of leaves and tree, yard and garden trimmings located on the premises of private property by the residents of such property is permitted pursuant to section 7-14(a).

(c)

Notwithstanding subsections (a) and (b) of this section, open burning is permitted for bona fide training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house fire fighting personnel; for camp fires or other fires that are used solely for recreational purposes; for ceremonial occasions; for outdoor noncommercial preparation of food; for the destruction of classified documents; and for warming of outdoor workers; provided that there shall be no burning of garbage or refuse, tires, asphaltic materials, crank case oil, impregnated wood or other rubber or petroleum based materials or toxic or hazardous materials or of containers for such materials. (10-2-08.)

**Sec. 7-14. - Permissible open burning.**

(a)

Open burning is permitted outside of the DSDs on-site for the destruction of leaves and tree, yard and garden trimmings located on the premises of private property by the residents of such property, provided that the burning takes place on the premises of the private property and there is no regularly scheduled public or private collection service for such trimmings available at the adjacent street or public road.

(b)

Open burning is permitted within the DSDs on-site for the destruction of leaves and tree, yard and garden trimmings located on the premises of private property by the residents of such property, provided that the following conditions are met:

(1)

The burning takes place on the premises of the private property;

(2)

The location of the burning is not less than three hundred feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; and

(3)

No regularly scheduled public or private collection service for such trimmings is available at the adjacent street or public road.

(c)

Open burning is permitted within the DSDs on-site for destruction of debris waste resulting from the development or modification of roads and highways by or authorized by the Virginia Department of Transportation, railroad tracks, pipelines, power and communication lines, sanitary landfills, or from other public clearing operations that may be approved by the Isle of Wight County Board of Supervisors, provided that the following conditions are met:

(1)

All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the Isle of Wight County Director of Emergency Services;

(2)

The material to be burned shall consist of brush stumps and similar debris waste and shall not include demolition material;

(3)

The burning shall be at least three hundred feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;

(4)

The burning shall be conducted at the greatest distance practicable from highways and air fields;

(5)

The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;

(6)

The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and

(7)

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

(d)

Sections 7-14(c) notwithstanding, no owner or other person shall cause or permit such open burning during the months of May, June, July, August, or September. (10-2-08.)

### **Sec. 7-15. - Permit requirements.**

(a)

Within the DSDs, any person conducting burning for land clearing or construction purposes shall first obtain a permit from the county fire code official or his designee. No such permit shall be issued for such burning operations unless:

(1)

Burning is conducted at least seven hundred fifty feet from the nearest occupied dwelling;

(2)

Burning is conducted while using an open pit incinerator; and

(3)

Burning is conducted in an approved open burning pit by the fire official.

(b)

Application for any required permit shall be made to the county fire code official or his designee at least fourteen days prior to the burning, on forms prescribed by the fire code official. The fire code official shall establish procedures for issuance of permits and shall include in the permits restrictions and conditions determined by the fire code official to be necessary to assure control of the fire and to minimize the impact on air quality.

(c)

Permits shall be effective for a maximum period of ninety days from the date of issuance. (10-2-08.)

### **Sec. 7-16. - Notice.**

In order to protect the health and safety of the other citizens of Isle of Wight County, all citizens engaged in open burning, whether within or outside of the DSDs, are encouraged to call the Isle of Wight County Emergency Communications Center to advise the county of that citizen's intent to engage in open burning practices. It is the intention of the Isle of Wight County Board of Supervisors that such notice will reduce the number of unnecessary dispatches of Isle of Wight County fire fighting personnel. The failure of a citizen to notify the emergency communications center prior to or during an open burning shall not, unless otherwise provided herein, constitute a violation of this ordinance. (10-2-08.)

### **Sec. 7-17. - Open burning may be prohibited in all or part of the county.**

(a)

Whenever the fire code official, after consultation with appropriate agencies and the county administrator, declares that a drought condition exist so as to create an extraordinary fire hazard, the fire code official may declare that open burning is prohibited in part or all of the county. Following such a declaration, it shall be unlawful for any person to burn brush, grass, leaves, debris or any other flammable material or to ignite or maintain any open fire within the county or within any part of the county subject to the prohibition. The declaration of the fire code official shall remain effective until the fire code official declares the condition and the prohibition to have terminated.

(b)

When any such declaration is issued, amended or rescinded, the fire code official shall promptly post a copy of the declaration, amendment or rescission at the front door of the county courthouse, administration building and at each fire station in the area of the county in which the emergency has been declared. In addition, the fire code official shall publish the declaration, amendment or rescission in a newspaper of general circulation. (10-2-08.)

### **Sec. 7-18. - Enforcement.**

The provisions of this chapter shall be enforced by the fire code official, or his designee, and the sheriff. (10-2-08.)

**Sec. 7-19. - Penalties.**

Except as provided in section 7-16, any person violating any provisions of this Chapter 7, Article III shall be guilty of a class 1 misdemeanor. (10-2-08.)

**The following maps depict the Isle of Wight County Development Service Districts (DSDs)**



