

OPEN BURNING ORDINANCE

Sec. 12-3. Open burning prohibited; exceptions.

- (a.) Except as otherwise provided in this section, no person shall ignite or maintain, or cause or permit to be ignited or maintained, any open fire on public or private property outside any building. Salvage, demolition operations or disposal of waste materials by burning is prohibited.
- (b.) Exceptions.
 - (1.) Open fires may be set in the performance of official duties by the chief of fire protection or his designee when necessary for any of the following purposes:
 - (a.) For the abatement of a fire hazard which can not be abated by other means
 - (b.) For training in firefighting or for research in control of fires under supervision of the chief of fire protection or his designee.
 - (c.) In an emergency or other extraordinary circumstances when open burning is determined by the chief of fire protection to be in the public interest.
 - (2.) Fires may be used for cooking food, provided no smoke violation or other nuisance is created.
 - (3.) Salamanders and similar heating devices may be used for heating by outdoor workers provided no smoke hazard or other nuisance is created and provided that such devices are used not less than fifteen (15) feet from any structure.
 - (4.) Fires may be set in the course of agricultural operations in growing crops, including timber, or raising fowl or animals. Such burning shall conform to requirements established by the chief of fire protection, the state forester, and the department of environmental quality (air division).
 - (5.) Open fires may be set, other than on any sand beaches, for recreational purposes, or for ceremonial occasions, provided that no smoke violation or nuisance is created.
 - (6.) Open burning shall be prohibited for land clearing, except agriculture operations. However, the provisions of this section shall not prohibit controlled force-air pit burning of brush, leaves and trees from land clearing operations conducted under authority of a permit issued by the chief of fire protection or his designee; provided that such burning shall be in conformance with procedures approved by the chief of fire protection and the department of environmental quality (air division), and shall be immediately terminated upon revocation of such permit. Compliance with the provisions of this subsection shall not exempt any person from any damages or liability which may result from such open burning, nor exempt any person from adherence to all applicable laws, ordinance and regulations and orders of the chief of fire protection and the state forester.
 - (c.) Any person violating any provision of this section shall be guilty of a Class I misdemeanor.

(Code 1965, ' 16-19; Ord. No.1664, 12-22-86; Ord. No.2289, 8-23-94)

State law reference(s)--Similar provisions, Code of Virginia, ' 10.1-1142.