

## ARTICLE III. - REGULATION OF OPEN FIRES

### Sec. 9-32. - Title.

This article shall be known as the Culpeper County Ordinance for the Regulation of Open Fires.

### Sec. 9-33. - Purpose.

The purpose of this article is to protect public health, safety, and welfare by regulating the making and supervision of open fires within Culpeper County. This article is intended to supplement other applicable laws and regulations of the Commonwealth of Virginia, and is not intended to limit the application of any other law or regulation within the County of Culpeper.

### Sec. 9-34. - Definitions.

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

*Garbage* means rotting animal and vegetable matter accumulated by a household in the course of ordinary day to day living.

*Household refuse* means waste material and trash (except garbage, animal carcasses or animal waste) normally accumulated by a household in the course of ordinary day to day living, and, for the purposes of this article, is limited to household refuse from the premises on which the open fire is to be made.

*Yard waste* means leaves and tree, yard and garden trimmings from growth on the premises on which the open fire is to be made or growth on the premises immediately adjacent thereto.

*Open fire* 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.

### Sec. 9-35. - Prohibitions on open fires.

(a)

No owner or other person shall cause or permit the making of an open fire on any street, alley or other public place.

(b)

No owner or other person shall cause or permit the making of an open fire on any parcel of land on which is located an occupied dwelling, or which is immediately adjacent to any property on which is located an occupied dwelling, in which is burned any material that is not household refuse or yard waste.

(c)

No owner or other person shall cause or permit the making of an open fire that is within fifty (50) feet of any occupied dwelling.

(d)

No owner or other person shall cause or permit the making of an open fire that is within two hundred (200) feet of any occupied dwelling without the permission of the occupants of the dwelling.

(e)

No owner or other person shall cause or permit the burning of an open fire unless the fire shall at all times be attended by a responsible adult, and unless adequate provisions have been made in advance of the burning for preventing the unintentional or accidental spreading of the fire to any structure or any other parcel of land.

(f)

No owner or other person shall cause or permit the burning of an open fire within one hundred (100) feet of a property boundary without the permission of the adjacent property owner.

**Sec. 9-36. - Exemptions.**

The following open fires are exempted from the prohibitions of section 9-35 to the extent permitted by other applicable State laws or regulations:

(a)

Open fires for training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house fire fighting personnel;

(b)

Open fires for camp fires 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;

(c)

Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack; and

(d)

Open burning for forest management and agriculture practices as approved by the appropriate State regulatory agency.

**Sec. 9-37. - Declaration of local open fire emergencies.**

The Director of Emergency Services may, in consultation with the County Administrator and the Coordinator of Emergency Services, if the forest lands, brush lands, and fields within the County have become so dry as to create a fire hazard endangering lives and property in the County, declare an emergency and require that no person make or permit any open fire until such time as the Director of Emergency Services proclaims that the fire hazard emergency has been terminated.

(Ord. of 2-6-2001(3))

**Sec. 9-38. - Penalties for violation.**

(a)

Any violation of this ordinance is punishable as a Class 1 misdemeanor.

(b)

Each separate incident may be considered a new violation.

**(c)**

**Notwithstanding the foregoing, no person shall be convicted of a violation of this article unless there shall have been before the court competent evidence that the sheriff or other enforcement official had, prior to the commencement of any proceeding hereunder, notified such person of the provisions of this article, and given such person an opportunity to cease and desist any action in violation hereof.**

**Secs. 9-39—9-48. - Reserved.**

**(Ord. of 12-7-1999)**

c