

ARTICLE 1521
Open Burning

1521.01	Prohibitions	1521.03	Failure to Extinguish
1521.02	Burning Permit Fee	1521.04	Penalty

CROSS REFERENCES

Authority to regulate danger by fire - see W. Va. Code 8-12-5(15)

Authority of local fire department - see W. Va. Code Art. 29-3A

1521.01 PROHIBITIONS

No person or other entity shall openly burn or cause or permit to be openly burned upon any property, either owned or occupied by such person within the corporate limits of the City, any tires, tarpaper, solid waste, garbage, paper, leaves, limbs, branches, brush or any other substance whatsoever; provided, however, that it shall not be unlawful to burn charcoal for the purpose of outdoor cooking; to burn a small, open attended fire for protection during an emergency situation. (Passed 6-12-73)

1521.02 BURNING PERMIT FEE

A burning permit must be obtained and completed at Town Hall along with the five (\$5.00) permit fee. The Fire Chief or designee from the Volunteer Fire Department will review the application and is authorized to make inspections upon premises in a reasonable manner prior to the issuance of any permit under this section.

The law prohibits burning of any material other than natural vegetation (brush, leaves, etc.). Spring forest Fire Season is from March 31 – May 31 and Fall Forest Fire Season is from October 1 – December 31. During this time, outdoor burning is allowed only from 4 pm until dark in the city limits. During other months, burning must be completed by dark.

The Fire Chief or his authorized representative, in granting a permit, shall have the right to prescribe conditions for such open burning in order to protect the health, safety, comfort, and property of the public, as well as to ensure that such open burning conforms to existing and applicable law.

The new permit fee will go into effect immediately following a public hearing and the passage of the second and final reading of this ordinance.

1521.03 FAILURE TO EXTINGUISH

Failure of the responsible party to extinguish open burning in violation of this article will provide cause for the Fire Department promptly to extinguish such burning and thereafter surcharge the costs of the special fire extinguishing service against the responsible party. The special surcharge of this section shall be a debt due to the City and enforceable by civil action in any court of competent jurisdiction. A penalty of five percent (5%) shall be added for any default for a period of thirty (30) days thereafter payment shall be made, an additional penalty of one percent (1%).

1521.04 PENALTY

(a) Whoever violates the terms of a permit issued under this article, or submits a false application shall be subject to the revocation of such permit. Revocation notices shall be issued by and in the discretion of the Fire Chief or his authorized representative upon proper investigation of facts and circumstances.

(b) No person making application for a permit shall willfully make false statements with the intent of evading the requirements of this article. No person shall commence with open burning in the City without first obtaining a required permit or shall proceed to open burn when a revocation notice of a previous permit has been issued. Each day a violation continues shall constitute a separate misdemeanor, each misdemeanor under this section being punishable by a fine not more than \$100.00 or imprisonment not more than thirty days, or both.

(Passed 11-08-11)