

1 **Ordinance to Amend and Reenact the City Code of the City of Hampton, Virginia,**
2 **by Amending and Reenacting Chapter 14, Fire Prevention and Protection, Article I,**
3 **In General, Section 14-11, Open Burning Prohibited; Exceptions to Incorporate**
4 **Definitions and Interpretation to this Section, and to Amend the Open Burning**
5 **Exceptions**

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7 **BE IT ORDAINED** by the City Council of the City of Hampton, Virginia, that Section 14-
8 11, Article I, Chapter 14 of the City Code of the City of Hampton, Virginia be amended to
9 read as follows:

10
11 **Chapter 14 - FIRE PREVENTION AND PROTECTION**

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13 ...

14
15 **ARTICLE I. - IN GENERAL**

16
17 ...

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19 **Sec. 14-11. - Open burning prohibited; exceptions.**

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21 (a) Definitions: the following local amendments to definitions in the Virginia Uniform
22 Statewide Fire Prevention Code apply to this section:

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24 (1) *Open Burning* means the burning of materials wherein products of combustion
25 are emitted directly into the ambient air without passing through a stack or
26 chimney from an enclosed chamber. A chamber shall be regarded as enclosed
27 when during the time combustion occurs; only apertures, ducts, stacks, flues
28 or chimneys necessary to provide combustion air and permit the escape of
29 exhaust gas are open. Open burning does not include road flares, smudge
30 pots, or similar devices associated with safety or occupational uses. Open
31 burning includes but is not limited to the following types of fires: recreational
32 fires; bonfires; fires involving chimineas and outdoor fireplaces; barrel burning;
33 silvicultural, range, or wildlife management practices; prevention and control of
34 disease or pests; and land clearing operations.

35
36 (2) *Land Clearing Operation* means the clearing or removal of a populated wooded
37 or forest area for land improvement, development, or other approved purpose.

38
39 (3) *Brush* means shrubs and stands of short scrubby and tree species that do not
40 reach merchantable size. Brush shall also mean limbs, branches, and pruning
41 no larger than 5 inches in diameter or 5 feet in length.

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43 (b) Interpretation: this Section constitutes the City of Hampton's local amendment to
44 Section 307 of the Virginia Statewide Fire Prevention Code only as specified
45 herein. All other provisions of Section 307 are in effect and should be read
46 harmoniously with this local amendment.

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- 48 (c) Except as otherwise provided in this section, open burning is prohibited. Salvage,
49 demolition operations, or disposal of waste materials by burning is prohibited.
50
- 51 (d) Exceptions.
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- 53 (1) Open burning is permitted in the performance of official duties by the fire code
54 official or their designee when necessary for any of the following purposes:
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- 56 a. For the abatement of a fire hazard that cannot be abated by other means;
57
- 58 b. For training in firefighting or for research in control of fires under
59 supervision of the fire code official or their designee;
60
- 61 c. In emergency or other extraordinary circumstances when open burning is
62 determined by the fire code official to be in the public interest.
63
- 64 (2) Recreational Fires are permitted and shall not exceed a fuel area of three feet
65 by two feet unless a permit has been obtained.
66
- 67 (3) Barrel burning is prohibited unless a permit is obtained from the fire code
68 official. Permitted barrel burning shall comply with all permit conditions and
69 procedures approved by the fire code official and the department of
70 environmental quality (air division), and shall be immediately terminated upon
71 revocation of such permit.
72
- 73 (4) Land clearing operations, controlled force-air pit burning of brush, leaves, and
74 trees; silvicultural, range, or wildlife management practices; or prevention and
75 control of disease or pests, conducted under authority of a permit issued by
76 the fire code official or their designee are permitted; provided that such burning
77 shall be in conformance with procedures approved by the fire code official and
78 the department of environmental quality (air division), and shall be immediately
79 terminated upon revocation of such permit. Compliance with the provisions of
80 this subsection shall not exempt any person from any damages or liability that
81 may result from such open burning, nor exempt any person from adherence
82 to all applicable laws, ordinance and regulations, and orders of the fire code
83 official and the state forester.
84
- 85 (e) The fire code official may prohibit open burning, otherwise lawful, when smoke
86 may cause reduced visibility on any highway; or when open burning may constitute
87 a hazard to life, health, or property. The fire code official may order the
88 extinguishing by the permit holder or other responsible person, or by the fire
89 department, of any fire for which a required permit for open burning has not been
90 obtained, or that creates or adds to a hazardous situation or public nuisance. If the
91 fire code official orders that a fire be extinguished, it shall not be rekindled for 24
92 hours, or as specified by the fire code official, whichever is longer.
93

94 (f) Failure to comply with an order of the fire code official issued under the authority
95 of this Section shall constitute a Class 1 misdemeanor.