

ORDINANCE 2011-06

**AN ORDINANCE AMENDING ORDINANCE 2009-05, WHICH ESTABLISHED
REGULATIONS GOVERNING OUTDOOR BURNING IN THE MUNICIPAL
LIMITS OF THE CITY OF MARTINSBURG**

Be it enacted and ordained by the City Council of the City of Martinsburg that Ordinance 2009-05 be amended at Section C. 1. b. to read:

All yard and other residential burning shall be done
between the hours of **5:00 p.m.** and 8:00 p.m. At 8:00 p.m.
all burning is to be extinguished, to include no smoldering
and no smoke.

This Ordinance shall take effect upon the date of passage.

Introduced: September 15, 2011

Adopted: October 13, 2011


George Karos, Mayor

Attest:


Gena Long, City Recorder

ORDINANCE 2009-05

**AN ORDINANCE TO PROVIDE FOR REGULATIONS GOVERNING
OUTDOOR BURNING IN THE MUNICIPAL LIMITS OF THE CITY OF
MARTINSBURG**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MARTINSBURG,
WEST VIRGINIA:**

1501.06 REGULATIONS OF OUTDOOR BURNING

- A.** The requirements of this rule establishes standards for open burning and applies everywhere within the City of Martinsburg.
- B.** No outdoor burning shall be permitted in the City of Martinsburg except for those allowed under section C. and section D.

C. RESIDENTIAL OUTDOOR BURNING

- 1.** Small cooking or warming fires, around which all combustible and flammable products have been removed. This type of fire shall be allowed at any time in a container manufactured or constructed for the purpose of building a fire.
- 2.** Yard and garden waste may be burn twice a year, March 15th through March 30th and November 1st through November 15th with the following restrictions.
 - a.** Call Berkeley County Central Dispatch each day burning is to take place at (304) 263-1330 prior to burning. This establishes a record of where burning is taking place and the responsible person.
 - b.** All yard and other residential burning shall be done between the hours of 4:00 p.m. and 8:00 p.m. At 8:00 p.m., all burning is to be extinguished, to include no smoldering and no smoke.
 - c.** Only natural vegetation (thoroughly dried at least 10 days) shall be burn. The fire shall not contain any household trash, roofing material, rubber, plastic, asbestos, insulation, building materials (including sawed lumber), stumps or limbs over eight inches in diameter, or any other solid waste.
 - d.** All burning must be supervised at all times and before leaving any fire unattended the fire must be extinguished. A minimum area of 10 feet must be cleared from the material being burned.



- e. The burn pile shall not be larger than 4 feet in diameter and 4 feet in height. Only one pile shall be burn at any time. The burn pile shall be at least ten (10) feet from any property line or any structure.
- f. Sawed lumber as in scrap construction material or wood removed during demolition of structures is not considered as burnable material. In addition, during demolition of structures, debris cannot be pushed into a foundation for the purpose of disposing of it by burning.
- g. Allowed outdoor burning which creates smoke, odor, or ash that becomes a nuisance to the public and is reported to the Martinsburg Fire Department or the Martinsburg Police Department shall be ordered to be extinguished and if necessary, shall be extinguished by the Martinsburg Fire Department.

D. BURNING FOR CLEARING LAND

1. Burning for clearing land shall only be allowed after a permit has been obtained from the West Virginia Division of Forestry and the West Virginia Department of Environmental Protection-Division of Air Quality.
2. The applicant shall notify the City of Martinsburg Fire Department and Planning Department five days prior to filing an application with the West Virginia Division of Forestry and the West Virginia Department of Environmental Protection-Division of Air Quality for a permit for open burning.
3. Burning for clearing land shall only be permitted during the months of November, December, January, February, and March.

E. OUTDOOR BURNING PROHIBITED

1. The Chief of the Fire Department may prohibit any and all outdoor burning within the municipality when atmospheric conditions or local circumstances make such fires hazardous.


F. PENALTY

1. Any person, corporation, partnership, limited liability company, or other form of business entity that violates any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$500.00 per violation, plus payment of court costs and fire suppression costs if it escapes beyond its origin.

This Ordinance shall take effect upon the date of adoption.

INTRODUCED: April 9, 2009

ADOPTED: April 21, 2009


George Karos, Mayor

Attest:


Sharon A. Flick, City Recorder

County

5:00 P.M. BURNING LAW

MARCH 1—MAY 31
5:00 P.M.—7:00 A.M.

OCTOBER 1—DECEMBER 31
5:00 P.M.—7:00 A.M.

MAXIMUM FINE: \$1,000.00
FOR VIOLATING THE BURNING LAW

BURNING LAWS IN BRIEF

- * NO BURNING FROM 7 A.M. UNTIL 5 P.M.
- * FIRE MUST BE ATTENDED AT ALL TIMES
- * AREA MUST BE CLEARED DOWN TO MINERAL SOIL FOR A MINIMUM DISTANCE OF 10 FEET AROUND WHAT IS BEING BURNED.
- * IF YOUR FIRE ESCAPES, YOU ARE LIABLE FOR THE COSTS OF FIGHTING THE FIRE AND ANY DAMAGE THE FIRE MAY CAUSE TO OTHERS.

WILLFULLY SETTING FIRES IS A FELONY AND PUNISHABLE
BY FINE AND/OR IMPRISONMENT!
(WEST VIRGINIA ARSON HOTLINE 1-800-233-FIRE)

SPONSORED BY: WV DIVISION OF FORESTRY
WV FORESTRY ASSOCIATION
UNITED STATES FOREST SERVICE

REWARD FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF AN ARSONIST

\$1,000 REWARD FOR INFORMATION LEADING TO THE ARREST AND CONVICTION OF AN ARSONIST

WEST VIRGINIA FOREST FIRE LAWS

The periods of each year between March 1 and May 31, inclusive, and October 1 and December 31, inclusive, are hereby designated as Forest Fire Seasons.

No person shall during ANY such fire season, except between the hours of 5:00 p.m. and 7:00 a.m. prevailing time, set on fire or cause to be set on fire any forest land, or any grass, grain, stubble, slash, debris, or other inflammable materials. Any fire set during this time shall be extinguished prior to 7:00 a.m. prevailing time. Such prohibition of fires between 7:00 a.m. and 5:00 p.m. prevailing time shall not be construed to include (1) small fires set for the purpose of food preparation, or providing light or warmth around which all grass, brush, stubble, or other debris has been removed for a distance of ten feet from the fire, and (2) burning which may be conducted at any time when the ground surrounding the burning site is covered by one inch or more of snow.

No burning may be done unless all inflammable material has been removed from around the material to be burned as a safety strip for a distance which insures that the fire will not escape and which is not less than 10 feet. If fire escapes beyond the safety strip, the person responsible shall be guilty of a misdemeanor.

Before leaving ANY fire for ANY period of time, it must be totally extinguished.

Commercial permits to burn during the prohibited periods may be issued by the Division of Forestry.

All sawmills, power shovels, or an engine or machine capable of throwing sparks must be provided with an adequate spark arrestor if operating on land subject to fire by any cause.

All inflammable waste disposal areas on ANY land must annually have removed all grass, brush, debris and other inflammable material adjacent to such disposal areas to provide adequate protection to prevent the escape of fire to adjacent lands.

The State shall recover from the person or persons, firms or corporations whose negligence or whose violations of any provisions of this article cause ANY fire at ANY time on any grass or forest land the amount expended by the State.

A landowner must take all practicable means to suppress ANY fire on his property. If he fails to do so, the State shall collect from him the amounts expended by the State for such purposes.

WV Division of Forestry
1900 Kanawha Boulevard, East
Charleston, WV 25305-0180
(304) 558-2788/FAX (304) 558-0143
www.wvforestry.com