

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.

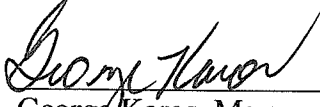
F. PENALTY

- 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