

ORDINANCE #14

REGULATING OUTDOOR BURNING OF MATERIALS

14.1 SCOPE & PURPOSE

14.1.1 The provisions of this article shall apply to the outdoor burning of materials, the placement of outdoor home heating devices, and the use of fire pits and campfires within the Village of Beech Bottom

14.1.2 The purpose of this ordinance shall be to provide for the safety of occupants, property, and structures within the Village of Beech Bottom by minimizing the risk of contact with uncontrolled fires.

14.1.3 This ordinance shall NOT apply to cooking grills and smokers (fueled by propane, wood, or charcoal) that are utilized according to manufacturer specifications.

14.1.4 This ordinance shall not carry with it any criminal or civil penalties resulting from a violation of the activities herein regulated if said violations are committed by an owner and/or occupant on their private property for the sole purpose of providing for the health and wellbeing of said Village resident(s), and occur during times of Emergency as defined in 14.2.

14.2 DEFINITIONS

14.2.1 - Campfire: The burning of vegetation in an unenclosed area not exceeding twenty four inches in diameter nor twenty four inches in height used for the purposes of food preparation, providing warmth, and/or light.

14.2.2 - Emergency: Any State of Emergency that would be declared by the President of the United States, Governor of the State of West Virginia, The County Commission of Brooke, and/or the Mayor of the Village of Beech Bottom.

14.2.3 - Fire Ring: A constructed or manufactured non-combustible enclosure not larger than forty eight inches in diameter and measuring no less than eight and no more than twenty four inches in height.

14.2.4 – Open Burning. Defined as the burning of vegetation, clearing of debris, and/or approved fire training as outlined in WV 45CSR6 for purposes other than cooking, providing heat, and/or light as outlined in this ordinance.

14.2.5 - Outdoor burning. Defined as the burning of vegetation within a fire ring for the purpose of food preparation, vegetation removal, providing warmth, and/or light.

14.2.6 - Outdoor furnace: Defined as any device designed to be located outside of a structure and provide heat to the same through the burning of fossil fuels such as coal, wood, oil, and/or natural gas.

14.2.7 - Permit Official: The mayor (or his/her designee) or the Chief of the Beech Bottom Volunteer Fire Department (or his/her designee).

14.2.8 - Vegetation. Defined as naturally grown leaves, branches, wood, and other vegetative matter. Finished and/or processed material such as lumber and other wooden products are NOT considered vegetation within the scope of this ordinance.

14.3 LOCATION RESTRICTIONS

14.3.1 – An outdoor furnace may not be located within fifty feet of any flammable structure, and must be installed in compliance with all manufacturer guidelines.

14.3.2 – A Fire Ring may not be located within twelve feet of any flammable structure.

14.3.3 – A Campfire may not be located within twelve feet of any flammable structure, and must have a minimum of twelve inches of mineral soil, stone, or other non-combustible material extend from the outer boundary of combustion.

14.3.4 – Open Burning is not permitted within the limits of the Village of Beech Bottom unless done in a manner that is compliant with WV 45CSR6. Additionally an approved Open Burning Permit must be secured from a Village of Beech Bottom permit official. Permit Application forms may be obtained from the Village’s Municipal office during regular business hours. The Village of Beech Bottom Open Burning Permit must be displayed prominently at the open burn location for the duration of the period approved.

14.3.5 – Campfires, open burning, and outdoor burning are strictly and explicitly prohibited on all paved Village streets and alleyways.

14.3.6 – Outdoor burning for the purpose of vegetation removal shall be prohibited between 7:00am and 5:00pm prevailing time between March 1 and May 31, inclusive, and October 1 and December 31, inclusive in accordance with West Virginia Forrest Fire Laws.

14.4 PENALTIES

14.4.1 – Violations of this ordinance shall be considered a misdemeanor if found guilty in municipal court, or other court of competent jurisdiction, and shall be subject to penalties of no less than fifty dollars, and no more than five hundred dollars per infraction.

1st Reading March 1, 2016

2nd Reading March 15, 2016 – passed unanimously by Common Council

3rd Reading - Waived