

ORDINANCE # 20040907A
FIRES OR BURNING WITHIN ROMNEY CORPORATE LIMITS

Be it ordained by the Romney City Council that it shall be unlawful for any person, firm or corporation to burn, at any time, paper, weeds, grass, or any trash or inflammable material whatsoever on any lot, street, or alley within the corporation of the City of Romney, West Virginia, or to permit any employee or tenant to do so, without first having an approved application. The use of outdoor furnaces are prohibited within the City of Romney corporate limits. Notwithstanding any contrary provisions of the County, State, or Federal laws or regulations, the Romney Council in order to promote effective control of fires/burning, shall develop and may change from time to time the following minimum regulations or requirements.

Application Regulations and Requirements

- (1) Obtain a copy of this Ordinance, reference material provided by the West Virginia Division of Forestry and Application Checklist at the Romney City Office.
- (2) In event of a significant burn request, notification shall be given by the applicant to each adjoining landowner to verify their consent.
- (3) Completed application shall be directed to the office of the City Administrator.
- (4) The City in making such inspection or investigation, when in their judgement such proceedings may be necessary, solicit as they see fit recommendations or approval from such agencies as the Romney Volunteer Fire Department and WV Department of Natural Resources.
- (5) To reduce the risk of fire menace to itself or adjoining properties, the City may require that actual control measures be conducted under the supervision of an official of the respective agency (Fire Department, DNR etc.)
- (6) Any costs or expenses incurred shall be borne by the applicant.
- (7) No material that may be considered a hazard to public health or safety shall be burned.

- (8) Upon filing by an owner, showing why such burning should be allowed, the City shall review the case and may sustain or deny the request in whole or in part.
- (9) Outdoor Furnaces do not apply under any circumstances for an exception.

Violation, Penalties

A person who violated any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars and not more than five hundred dollars for each and every offense, and each day that he shall continue such violation after notification shall constitute a separate offense punishable by a like fine or penalty.

NOTHING IN THIS ORDINANCE SHALL BE CONSIDERED TO RELIEVE THE OWNER/APPLICANT FROM ANY AND ALL LIABILITY FOR DAMAGE TO ANY OTHER INDIVIDUAL OR PROPERTY, RESULTING FROM ANY FIRE FOR WHICH THEY ORIGINATED.

This Ordinance shall become effective immediately on passage and shall replace any and all previous rules heretofore adopted by Council.

1st reading 16 AUG 04

2nd reading 07 SEPT 04

Mayor: William E. Hutchins

Recorder Shirley Maphis

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 4:00 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 4:00 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.

W.Va. Division of Forestry
1900 Kanawha Boulevard, East
Charleston, WV 25305-1080
(304) 558-2788/FAX (304) 558-0143

**FIRES OR BURNING WITHIN ROMNEY CORPORATE LIMITS
CHECKLIST FOR ORDINANCE # 20040907A
FOR ROMNEY, WEST VIRGINIA**

Step 1

Obtain a copy of ordinance, reference material provided by The West Virginia Division of Forestry and this supplemental checklist at the Romney City Office

Name of Applicant _____

Address of burn Site _____

Address of Residence _____

Step 2

Review all Material and please circle yes or no for the following questions

- | | | | |
|-----|--|------|----|
| (a) | Is the request in the time frame of Forest Fire Season? | yes | no |
| (b) | Have you notified and asked adjoining landowners? | yes* | no |
| (c) | Do You have a minimum of 10 feet as a safety strip? | yes | no |
| (d) | Are overhead utility lines over the burn or safety strip area? | yes | no |
| (e) | Only material being burned is vegetation and organic Material | yes | no |
| (f) | Is a readily accessible source of water and hose on property? | yes | no |
| (g) | Do you want the Romney Vol Fire Dept. to standby for burn? | yes | no |

Step 3

Please ask adjoining landowners to sign on the space listed below

_____	_____
_____	_____
_____	_____
_____	_____

Step 4

Please note that the State shall recover from the person or persons, firms or corporations or whose negligence or whose violations of any provisions of the West Virginia Forest Laws cause **any** Fire at any time on **any** grass or forest land the amount expended by the state

and

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 purpose.

Step 5

Return this completed list to the City Administrator, located in the Romney City Office.