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## PART FIFTEEN — FIRE PREVENTION CODE

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### ARTICLE 1505 Open Burning

- 1505.01 Purpose.**
- 1505.02 Outdoor burning prohibited.**
- 1505.25 Variances.**
- 1505.99 Penalty.**

#### CROSS REFERENCES

Authority of local departments—see WV Code 29-3A

#### **1505.01 Purpose.**

In order to protect and promote the public health, safety, comfort and general welfare of the residents of the Town and to protect property and property values, the Town Council of Harpers Ferry finds it necessary and advisable to adopt this article.

#### **1505.02 Outdoor burning prohibited.**

No person, firm, business or corporation shall at anytime burn out of doors any leaves, trash, rubbish, wood, garbage, paper, tires or any other combustible materials anywhere or anytime within the corporate limits of the Town of Harpers Ferry. This Article shall not be construed to prohibit the use of outdoor natural wood, charcoal or gas fires in a suitable and safe apparatus designed to contain the fire. A suitable and permitted fire receptacle is defined as a metal or ceramic container, specifically designed for holding fires, not exceeding 3 feet across at any point, neither in height nor width, and equipped with a functional screen or lid.

#### **1505.25 Variances.**

The Mayor may grant a written variance of the requirements of this ordinance if he or his representative believes that the variance request does not jeopardize property or public safety. The Mayor may delegate the authority to grant a variance to the Chief of Police. A written request for a variance must be submitted, and the Mayor's reply, or that of his representative, either granting or denying the variance, must also be in writing. Denial of a variance request may be appealed to the Town Council, which will have final say in the matter.

#### **1505.99 Penalty.**

- (a) Any person, firm, business or corporation violating any provision of this article or failing to comply therewith or with any of the requirements thereof shall be guilty of a misdemeanor punishable by a fine of not less than one hundred twenty-five dollars (\$125.00) nor more than five hundred dollars (\$500.00) and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.
- (b) The Mayor or such person as may be designated, is hereby expressly authorized and empowered to institute and maintain civil actions before any court or competent jurisdiction to restrain by injunction violations of this article, notwithstanding the penalties for the violation thereof set forth herein. (Ord. 86-3, passed 5-22-1986. Ord. 07-01, passed 4-9-2007.)