

FIRE PROTECTION AND PREVENTION

Chapter 46.1

FIRE PREVENTION AND PROTECTION

[Chapter 46 entitled “Fire Protection and Prevention” - HISTORY: Adopted by the Council of the Town of Middleburg 3-10-88 by resolution. Repealed in its entirety by ordinance dated December 13, 2007; and Chapter 46.1 titled “Fire Prevention and Protection” was adopted in its stead. Section 46.1-9 was adopted on 8-22-13]

Article I. Fire Marshal

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ARTICLE I. FIRE MARSHAL

§ 46.1-1 Creation of Office; Appointment and Term; Duties, etc., Compensation

There is hereby created and established the office of Fire Marshal for the municipality. The Fire Marshal shall be appointed by the Council. The Fire Marshal shall have the duties, powers and responsibilities conferred and imposed upon him by the Town Council or by the Mayor, or by the Loudoun County Fire Prevention Code herein adopted.

(For state law as to local fire marshals, see Code of Virginia, §27-30 to 27-37.1, as amended)

ARTICLE II. LOUDOUN COUNTY FIRE PREVENTION CODE

§ 46.1-2 Adoption

There is hereby adopted by the Town of Middleburg Town Council, the Statewide Fire Prevention Code, as amended, and all future amendments thereto, which shall be known as the Loudoun County Fire Prevention Code. Wherever the terms “county” or “Loudoun” are used within the Fire Prevention Code it shall be held to mean the Municipality of Middleburg.

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§ 46.1-3 When and Where Copies May be Obtained

Copies of the Loudoun County Fire Prevention Code, adopted by Section 46.1-2, may be obtained at the Town Office of the Municipality during the regular business hours.

§ 46.1-4 Fire Marshal Appointed

The Fire Marshal of Loudoun County is hereby appointed to act as the Fire Marshal of the Municipality.

§ 46.1-5 Enforcement

The Loudoun County Fire Prevention Code, adopted herein, shall be enforced within the jurisdictional limits of the Town by the Fire Marshal or his properly authorized agent.

§ 46.1-6 Penalty for Violation

Violations of the Loudoun County Fire Prevention Code are punishable in accordance with §27-100 of the Code of Virginia, as amended.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

§ 46.1-7 Open Burning

- a) No owner or tenant of property within the corporate limits shall cause, suffer, allow or permit open burning of refuse or other material, except as provided in this section. No owner or tenant shall conduct salvage operations by open burning. No business owner or tenant shall dispose of waste by open burning.
- b) Open fire may be set when approved by the Town and the Fire Marshal's Office for one or more of the following reasons:
 - 1) For prevention of a hazard, which cannot be abated by any other means.
 - 2) For the instruction of firefighters.
 - 3) For the protection of public health.
 - 4) For agricultural purposes in the A-C Agricultural Conservancy District only, such as clearing a field or fence row, for materials generated on site. The burning may be no closer than 1,000 feet from an occupied structure and may not pose a hazard to highways and airfields.
 - 5) For bonfires in the A-C Agricultural Conservancy District only, provided that they consist of seasoned wood, piled neatly, no more than 5 feet in diameter by 5 feet in height. The burning may be no closer than 50 feet from a structure.
- c) Open fires may be used for cooking food, recreational purposes, ceremonial purposes and the operation of craft exhibits and pageants of historical significance, subject to County and State open burning regulations. These types of events do not require permits from the Town of Middleburg, however it is necessary to notify the designated authority for the Town of Middleburg of the event, date, time and purpose.

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- d) Salamanders or other devices providing good combustion and eliminating the potential of accidental ignition of nearby combustible material may be used for heating by construction or other workers, provided no smoke violation or other nuisance is created. Warming barrels are prohibited.
- e) Since the public collection of yard waste is available through an existing waste collection contract, the open burning of leaves, grass and landscape debris is not permitted except as outlined above.

§ 46.1-8 Notification by Management of Special Apartment Regulations

- a) Management of apartment buildings which have balconies and patios must notify their tenants that its use of open flame cooking grills, to include gas or charcoal grills, hibachis or similar types of cooking devices, shall not be allowed on balconies or within fifteen (15) feet of any combustible construction.
- b) In addition, management shall notify their tenants that liquid petroleum gas (LPG) storage containers that exceed a water capacity of 2.5 gallons shall not be located on balconies or within ten (10) feet of combustible construction.
- c) To comply with this section, management of apartment buildings with balconies and patios must meet the required notification by posting signs on the building and communicating this via lease language and other means.

(For state law as to authority of municipality to adopt Fire Prevention Code by reference, see Code of Virginia, §27-98, as amended)

§ 46.1-9 Fireworks or Pyrotechnic Displays [added 08-22-13]

In addition to the need for a Fireworks Display Permit as required by the Loudoun County Fire Prevention Code, the display of fireworks and/or pyrotechnics within the corporate limits of the Town shall comply with the following:

- A. The number of fireworks and/or pyrotechnic displays approved by the Zoning Administrator shall be limited to no more than four (4) per calendar year per principle property address. In the event there are more than one addresses for a single property, the "principle property address" shall be the one that is used for the majority of the property's primary use.
- B. Fireworks and/or pyrotechnic displays may only occur on Fridays, Saturdays and holidays;
- C. The duration of a fireworks and/or pyrotechnic display shall not exceed twenty (20) minutes from the time the first firework is discharged until the time the last scheduled firework is discharged, with the last scheduled firework to occur no later than 10:00 p.m.;
- D. Shells used in any fireworks and/or pyrotechnic displays shall not exceed two and a half inches (2.5 inches);
- E. An electrical fire ignition system shall be used as approved by the County Fire Marshall;
- F. No more than one (1) fireworks and/or pyrotechnic display per principle property address may occur within a given thirty-day (30) period.

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- G. The permittee must provide public notice of the date, time and location of the fireworks display by sending letters to residents who request a written notice of the displays, said list of residents to be compiled and maintained by the Town Clerk, no less than ten (10) business days in advance of the fireworks display.
- H. This section shall not apply to public fireworks and/or pyrotechnic displays sponsored in whole or in part by the Town of Middleburg.