

ORDINANCE NUMBER 2021-



AN ORDINANCE AMENDING CHAPTER 34, FIRE PREVENTION AND PROTECTION,  
OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WAYNESBORO, VIRGINIA THAT, after receipt of recommendations from the Waynesboro Fire Chief, amendments be made to Chapter 34, Fire Prevention and Protection, of the City Code of Waynesboro, Virginia, to read as follows:

## Chapter 34 – Fire Prevention and Protection

### Article I. – Fire Department

#### Division I. – In General

Sections:

- [34-1. Establishment and composition.](#)
- [34-2. Management by city manager.](#)
- [34-3. Benefits, solicitation of funds, etc., for the department.](#)
- [34-4. Equipment to be furnished by the city.](#)
- [34-5. Removal of equipment belonging to department.](#)
- [Sections 34-6 through 34-9 Reserved.](#)

#### Division II. – Personnel

Sections:

- [34-10. City Fire Chief.](#)
- [34-11. Office of the Fire Marshal.](#)
- [34-12. Same—Powers and Duties Generally.](#)
- [34-13. Volunteer Firefighters.](#)
- [34-14. Junior Firefighters.](#)
- [Sections 34-15 through 34-19 Reserved.](#)

### Article II. – Fire Protection

Sections:

- [34-20. Obstructing access to fire hydrants.](#)
- [34-21. Fire Alarm systems.](#)
- [34-22. Response to alarms – Waiver of liability.](#)
- [34-23. False alarms and malfunctions.](#)
- [34-24. Service complaints – Appeals concerning operation or procedure of system.](#)
- [34-25. Smoke alarms required in certain buildings.](#)

- [34-26. Installation of smoke alarms.](#)
- [34-27. Certificate that smoke alarm is in working order.](#)
- [34-28. Interim testing, repairing, and maintaining a smoke alarm.](#)
- [Sections 34-29 through 34-39 Reserved.](#)

## **Article III. – Fire Prevention**

### **Division I. Fire Code**

#### **Sections:**

- [34-40. Applicability and enforcement of Fire Code.](#)
- [34-41. Additional fire regulations.](#)
- [34-42. Availability of Fire Code.](#)
- [34-43. Violations of Fire Code.](#)
- [34-44. Appeals.](#)
- [34-45. Miscellaneous fire prevention inspection and review schedule.](#)
- [34-46. Permit and fees.](#)

[Sections 34-47 through 34-49 Reserved.](#)

### **Division II. Open Burning**

#### **Sections:**

- [34-50. Open Burning.](#)
- [34-51. Purpose.](#)
- [34-52. Definitions.](#)
- [34-53. Prohibitions on open burning.](#)
- [34-54. Exemptions.](#)
- [34-55. Permissible open burning.](#)
- [34-56. Permits.](#)
- [34-57. Penalties for violation.](#)

[Sections 34-58 through 34-59 Reserved.](#)

### **Division III. Fireworks, Blasting, and Other Similar Devices**

#### **Sections:**

- [34-60. Sky Lanterns.](#)
- [34-61. Liability insurance as prerequisite to issuance of blasting permit.](#)
- [34-62. Manufacture, sale, discharge, etc., of certain fireworks prohibited.](#)
- [34-63. Exception for certain permissible fireworks.](#)
- [34-64. Additional exceptions only with a fireworks permit.](#)
- [34-65. Fireworks permits--Application.](#)
- [34-66. Fireworks permits--Investigation; issuance or refusal.](#)
- [34-67. Fireworks permits--Conditions.](#)
- [34-68. Fireworks permits--Liability insurance or bond required.](#)
- [34-69. Fireworks permits--Nontransferable.](#)
- [34-70. Disposal of unused fireworks after display.](#)
- [34-71. Sale, discharge, etc., prohibited in certain locations.](#)

34-72. Seizure and destruction of certain fireworks.  
Sections 34-73 through 34-99 Reserved.

**Article I. – Fire Department**  
**Division I. – In General**

**34-1. - Establishment and composition.**

There is hereby established a department of the city government that shall be known as the “City of Waynesboro Fire Department” (the “Fire Department”) which shall provide firefighting services to the Citizens of the City.

**34-2. - Management by City Manager.**

- (a) The Fire Department shall be under the control of the City Manager for the execution of the laws of the Commonwealth and City ordinances, and the performance of such other duties as the City Manager may prescribe.
- (b) The City Manager shall employ such personnel as he or she deems necessary to operate the Fire Department.

**34-3. - Benefits, solicitation of funds, etc., for the department.**

Firefighters and emergency medical services personnel employed within the Fire Department shall not solicit funds or stage any benefits of any character unless such employees are off-duty, out of uniform, and not on the premises of their employment with the City.

**34-4. - Equipment to be furnished by the city.**

All fire apparatus and equipment for the extinguishment or prevention of fires of the Fire Department shall be furnished by or through the City.

**34-5. - Removal of equipment belonging to department.**

No member of the Fire Department shall, without permission from the Fire Chief or his or her designee, remove from the firehouse anything belonging to the Fire Department or appertaining to the fire station or apparatus for any purpose other than to extinguish fires. (Code 1964, § 10-16)

**Sections 34-6 through 34-9 Reserved.**

**Division II. – Personnel**

**34-10. - City Fire Chief.**

- (a) The City Manager shall appoint a Fire Chief for an indefinite term to serve at the will and pleasure of the City Manager.
- (b) The Fire Chief shall, before entering upon the discharge of his duties as such, take an oath as prescribed for all other officers to faithfully perform the duties of the office to which they have been selected.
- (c) The Fire Chief shall be the head of the Fire Department, shall have such powers and duties as may be prescribed under Virginia law or City Ordinance, and shall be responsible for the general management, operations, and administration of the Fire Department.

- (d) The Fire Chief is also hereby appointed as the City's i) Fire Official, as that term is used from time to time in the Code of Virginia or the City Code, ii) Fire Marshal, as set forth in Code of Virginia § 27-30, et seq., and iii) Hazardous Materials Coordinator, as set forth in Code of Virginia § 44-146.34, et seq.
- (e) The Fire Chief shall establish and enforce standard operating procedures, guidelines, rules, and regulations for the efficient administration of the Fire Department and for the purpose of providing safe, effective, and efficient fire, rescue, and emergency medical services.
- (f) The Fire Chief, with the approval of the city manager, may appoint a deputy Fire Chief, captains, lieutenants and other necessary officers for the conduct of the Fire Department and the Fire Chief's other duties under this Chapter, and delegate duties to the same.

#### **34-11. - Office of the Fire Marshal.**

- (a) The office of the Fire Marshal is hereby established. The Fire Chief, with approval of the City Manager, may appoint a Deputy Fire Marshal and Assistant Fire Marshals, as deemed necessary.
- (b) The Deputy Fire Marshal and Assistant Fire Marshals shall, before entering upon their duties, take an oath, before any officer authorized to administer oaths, to faithfully discharge the duties of their office.

#### **34-12. - Same—Powers and Duties Generally.**

- (a) The Deputy Fire Marshal and Assistant Fire Marshals shall be authorized to exercise all of the powers authorized by Code of Virginia.
- (b) In addition to any other duties prescribed by law, the Deputy Fire Marshal and Assistant Fire Marshals shall have the authority to arrest, to procure and serve warrants of arrest, and to issue summons in the manner authorized by general law for violation of fire prevention and fire safety laws and related ordinances, in accordance with the provisions of Code of Virginia, § 27-34.2, as amended.
- (c) The Deputy Fire Marshal and Assistant Fire Marshals shall have the same police powers as a sheriff, police officer, or law enforcement officer, and shall have responsibility for the investigation and prosecution of offenses involving hazardous materials, fires, fire bombings, bombings, attempts or threats to commit such offenses, false alarms relating to such offenses, and the possession and manufacture of explosive devices, substances and fire bombs, in accordance with the provisions of Code of Virginia, § 27-34.2:1, as amended.
- (d) The Deputy Fire Marshal and Assistant Fire Marshals shall have the right to enter upon any property from which a release of any hazardous material, hazardous waste, or regulated substance, as defined in Code of Virginia, § 10.1- 1400 or § 62.1-44.34:8, as amended, has occurred or is reasonably suspected to have occurred, and which has entered into the ground water, surface water, or soils of the city, in accordance with the provisions of Code of Virginia § 27-37.1, as amended.

#### **34-13. - Volunteer firefighters.**

In addition to the personnel employed by the City within the Fire Department, the Fire Chief may adopt rules and regulations allowing volunteer firefighters to participate in the Fire Department, subject to such requirements and limitations as the Fire Chief may impose. Without limitation, Fire Chief may require volunteers to have certain insurance, training, and to be members of the Waynesboro Volunteer Fire Department or another similar organization.

#### **34-14. - Junior firefighters.**

With the permission of the Fire Chief, junior firefighters (16 to 18 years old) may serve as volunteers strictly in accordance with the Code of Virginia, § 40.1-79.1 and any other applicable laws or regulations, as either or both may hereafter be revised or amended, subject to the following specific requirements:

A junior firefighter shall supply to the Fire Chief written confirmation that such person has parental or guardian approval; and attain certification under National Fire Protection Association 1001, level one, fire fighter standards, as administered by the Department of Fire Programs.

#### **Sections 34-15 through 34-19 Reserved.**

## **Article II. – Fire Protection**

### **34-20. - Obstructing access to fire hydrants.**

No person shall place or cause to be placed around or near any fire hydrant of the city any goods or other thing in such manner as to obstruct the free access to such hydrant. It shall be unlawful to place, store or keep any merchandise, building material or other thing within three (3) feet and to park a vehicle or permit it to stand, whether attended or unattended, within fifteen (15) feet of a fire hydrant within the City.

### **34-21. Fire Alarm Systems.**

- (a) No person shall offer for sale, sell, install or cause to be installed in the City any required or nonrequired fire alarm system which is not approved by the Fire Chief, and the building official, nor shall any person install or cause to be installed any such system except in a manner approved by the Fire Chief, and the building official.
- (b) As used in this section, a “fire alarm system” is defined as an assembly of equipment and devices arranged to signal the presence of a fire or other hazard requiring urgent attention and to which firefighters are expected to respond. Such system may be installed, maintained, altered or serviced by an alarm company operator in both commercial and residential premises. A “fire alarm system” does not include any private, residential, nonrequired fire detection and warning system installed by the property owner intended for private use installed within a single-family dwelling.
- (c) A violation of this section shall constitute a Class 3 misdemeanor.
- (d) A decision by the Fire Chief or building official (i) not to approve a fire alarm system, or (ii) that a fire alarm system has been installed incorrectly, may be appealed to the board of building code appeals.

### **34-22. Response to alarms – Waiver of liability.**

- (a) From time to time, the City may approve for installation fire alarm systems which send a signal directly or indirectly to the City Emergency Operations Center.
- (b) The Fire Chief is authorized to adopt policies or procedures for responding to such alarm signals.
- (c) The City shall have no responsibility or obligation as to any omission or commission resulting from an alarm signal in the Emergency Operations Center. The City does not, cannot, and will not guarantee that an alarm signal transmitted to the Emergency Operations Center will be received and responded to, either administratively or operationally. It is recognized that there may be signal failure or interruption or malfunction beyond the control of the City. It is further recognized that there may be emergencies underway carrying a higher priority or that response units may not be immediately available for response to an alarm. The City will not assume responsibility or liability for losses, damages or injuries to persons or property, alleged or in fact, as a result of any failure of alarm signals, the handling of signals within the Emergency Operations Center, or response thereto, and further disclaims any and all responsibility for any such loss, damage or injury.

### **34-23. False alarms and malfunctions.**

- (a) A false alarm is an alarm signal or notification transmitted to or received by the Emergency Operations Center as a result of human error or equipment or line or other equipment or software malfunction, and includes negligently or accidentally activated signals or notifications, whether purposely activated or not, for attention of police, firefighters, rescue, or other public safety or emergency personnel in non-emergency situations. Since each such alarm requires the commitment of City emergency resources, false alarms are discouraged.
- (b) A service charge of \$100.00 will be assessed for each false alarm in excess of three (3) per calendar year that results in emergency response to the location. This service charge shall be payable within ten (10) days of written notification of the assessment to the subscriber or owner or tenant at the premises.
- (c) When advance notice is provided to the Emergency Operations Center, maintenance of an alarm system or testing of an alarm system which generates a signal will not be counted as a false alarm.

- (d) When alarm or trouble condition signals are generated as a result of major power failure, lightning, snow, sleet or ice storms, or by trouble in transmission lines between a subscriber and the Emergency Operations Center, such signals will not be counted as false alarms.

**34-24. Service complaints – Appeals concerning operation or procedure of system.**

Any complaints as to alarm service provided by either the City should be directed, in writing, to the Fire Chief. Any appeal of decisions made concerning the operation and procedure of the alarm system may be made in writing to the City Manager.

**34-25. - Smoke alarms required in certain buildings.**

Smoke alarms must be installed in the following structures or buildings if smoke alarms have not already been installed in accordance with the Building Code:

- A. *Dwelling units.* Any building containing one or more dwelling units.
- B. *Hotels and motels.* Any hotel or motel regularly used, offered for, or intended to be used to provide overnight sleeping accommodations for one or more persons.
- C. *Rooming houses.* Any rooming house regularly used, offered for, or intended to be used to provide overnight sleeping accommodations.

**34-26. - Installation of smoke alarms.**

Smoke alarms required to be installed pursuant to City Code § 34-8.050 shall be installed only in conformance with the provisions of the Building Code. In addition:

- A. *Power.* Smoke alarms may be either battery operated or AC powered.
- B. *Wiring.* The installation of smoke alarms shall not require new or additional wiring.
- C. *Maintenance.* Smoke alarms shall be maintained in accordance with the Statewide Fire Prevention Code and the Uniform Statewide Building Code.
- D. *Upgrading not required.* Nothing in this article shall be construed to require the upgrading of any smoke alarms provided by the Building Code in effect at the time of the last renovation of the building, for which a building permit was required, or as otherwise provided in the Building Code.

**34-27. - Certificate that smoke alarm is in working order.**

The owner of a rental unit that contains a dwelling shall provide the tenant a certificate that all smoke alarms are present, have been inspected by the owner, his employee, or an independent contractor, and are in good working order.

**34-28. - Interim testing, repairing, and maintaining a smoke alarm.** Except for smoke alarms located in public or common areas of multifamily buildings, interim testing, repair, and maintenance of smoke alarms in rented or leased dwelling units shall be the responsibility of the tenant in accordance with Virginia Code § 55-225.4 or 55-248.16, as applicable.

**Sections 34-29 through 34-39 Reserved.**

**Article III. – Fire Prevention**  
**Division I. Fire Code**

**34-40. Applicability and Enforcement of Fire Code.**

- (a) All persons and entities within the City shall comply with the Virginia Statewide Fire Prevention Code (the “Fire Code”) in its entirety.
- (b) The City Manager may appoint a Fire Code Official, who shall have all powers set forth in the Virginia Statewide Fire Prevention Code (the “Fire Code”) and shall enforce the Fire Code. In the absence of any other appointment, the Fire Chief is Fire Code Official. The Fire Code Official may hire such deputies and assistants as may be approved by the City Manager, who shall perform the duties of the Fire Code Official in the Fire Code Official’s absence or when otherwise designated by the Fire Code Official or City Manager.

**34-41. Additional Fire Regulations.**

In addition to the Fire Code, the City hereby adopts by reference Appendices B through J of the International Fire Code, as such Appendices may be amended from time to time.

**34-42. Availability of Fire Code.**

A copy of the Fire Code adopted by this Article shall be available for viewing at the office of the Fire Code Official during normal business hours.

**34-43. Violations of Fire Code.**

Any person who shall violate any of the provisions of the Fire Code shall, for each and every such violation, be guilty of a Class 1 misdemeanor.

**34-44. Appeals.**

The board of building code appeals shall also be the City’s board of fire prevention code appeals (the “LBFPCA”) to hear all appeals related to the Fire Code. A violation of Appendices B through J of the International Fire Code may also be appealed to the LBFPCA, in which instance the decision of the LBFPCA shall be final. Appeals regarding the Fire Code shall be heard by the LBFPCA in accordance with the relevant provisions of the Fire Code.

**34-45. Miscellaneous fire prevention inspection and review schedule.**

The following fee schedule for inspections and reviews is adopted:

PURPOSE	DESCRIPTION	FEE
Required Fire Inspection for Social Service Licensure (Ex.: Day Care/Adult Care, etc.)	1-8 persons	\$50
	9-20 persons	\$75
	21-50 persons	\$100
	51-100 persons	\$200
	101-150 persons	\$300
	151-200 persons	\$400
	201 or more persons	\$500
Re-inspection Fees	Initial inspection and first re-inspection, if all violations are corrected, no charge. Upon 3 <sup>rd</sup> inspection and each subsequent inspection incurs an increased fee until remediation is reached or all violations are corrected.	\$0 (violations corrected) \$50 (3 <sup>rd</sup> inspection) \$100 (per inspection for 4 or more)

Waynesboro Fire Department Plan Review Fee	Special Event Permits All Other	\$25 (per event) \$50
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**34-46. Permits and fees.**

- (a) Any permits or licenses referenced in the Fire Code that are issued by the City, shall be issued by the Fire Code Official or his deputy or assistants.
- (b) Payment No permit or amendment thereto required by the Fire Code shall be issued until the fees prescribed in this section have been paid.
- (c) Fees. Fees for Fire Code permits are hereby adopted as follows:

DESCRIPTION	PERMIT REQUIRED (yes or no)	PERMIT FEE	INSPECTION FEE
<b>Aerosol products.</b> An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.	yes	\$100.00	Annual
<b>Amusement buildings.</b> An operational permit is required to operate a special amusement building.	no		
<b>Aviation facilities.</b> An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.	no		
<b>Carnivals and fairs.</b> An operational permit is required to conduct a carnival or fair.	yes	\$100.00	Event
<b>Cellulose nitrate film.</b> An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.	no		
<b>Combustible dust-producing operations.</b> An operational permit is required to operate a grain elevator, flour starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing combustible dusts as defined in Chapter 2.	yes	\$75.00	Annual
<b>Combustible fibers.</b> An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (2.8 m <sup>3</sup> ). <b>Exception:</b> An operational permit is not required for agricultural storage.	yes	\$75.00	Annual
<b>Compressed gas.</b> An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed below. <b>Exception:</b> Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.	yes	\$100.00	Annual
<b>PERMIT AMOUNTS FOR COMPRESSED GASES</b>			
<b>Type of Gas</b>	<b>Amount (cubic feet at NTP)</b>		



Corrosive	200			
Flammable (except cryogenic fluids and liquefied petroleum gases)	200			
Highly toxic	Any Amount			
Inert and simple asphyxiant	6,000			
Oxidizing (including oxygen)	504			
Pyrophoric	Any Amount			
Toxic	Any Amount			
For SI: 1 cubic foot = 0.02832 m <sup>3</sup> .				
<p><b>Covered and open mall buildings.</b> An operational permit is required for:</p> <ol style="list-style-type: none"> <li>1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.</li> <li>2. The display of liquid-fired or gas-fired equipment in the mall.</li> <li>3. The use of open-flame or flame-producing equipment in the mall.</li> </ol>		no		
<p><b>Cryogenic fluids.</b> An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed below.  <b>Exception:</b> Operational permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.</p>				
<b>PERMIT AMOUNTS FOR CRYOGENIC FLUIDS</b>				
<b>Type of Cryogenic Fluid</b>	<b>Inside Building(gallons)</b>	<b>Outside Building(gallons)</b>		
Flammable	More than 1	60	yes	\$100.00
Inert	60	500		Annual

Oxidizing (includes oxygen)	10	50			
Physical or health hazard not indicated above	Any Amount	Any Amount			
For SI: 1 gallon = 3.785 L.					
<b>Cutting and welding.</b> An operational permit is required to conduct cutting or welding operations within the jurisdiction.			yes	\$50.00	Annual
<b>Dry cleaning plants.</b> An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry-cleaning equipment.			yes	\$50.00	Annual
<b>Exhibits and trade shows.</b> An operational permit is required to operate exhibits and trade shows.			no		
<p><b>Explosives, fireworks, and pyrotechnics.</b> An operational permit is required for the storage, handling, sale or use of any quantity of explosive, explosive materials, <i>fireworks</i>, pyrotechnic special effects, or pyrotechnic special effects material within the scope of Chapter 56.</p> <p><b>Exception:</b> Storage in Group R-3 or R-5 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale, and in accordance with the quantity limitations and conditions set forth in Section 5601.1, Exceptions 4 and 12.</p>			yes	Storage \$150.00 Per site  Use \$100.00  Fireworks Display \$100.00  Sale \$75.00(Allowed June 1st through July 15th per calendar year.)	Annual  90 Days Event  45 Days
<b>Explosives, restricted manufacture.</b> An operational permit is required for the restricted manufacture of explosives within the scope of Chapter 56.			yes	\$100.00	Annual
<b>Explosives, unrestricted manufacture.</b> An operational permit is required for the unrestricted manufacture of explosives within the scope of Chapter 56			yes	\$100.00	Annual
<p><b>Fire hydrants and valves.</b> An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.</p> <p><b>Exception:</b> An operational permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.</p>			no		

<p><b>Flammable and combustible liquids.</b> An operational permit is required:</p> <ol style="list-style-type: none"> <li>1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the offsite transportation in pipelines regulated by the U.S. Department of Transportation (DOT) nor does it apply to piping systems.</li> <li>2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following: <ol style="list-style-type: none"> <li>2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire official, would cause an unsafe condition.</li> <li>2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.</li> </ol> </li> <li>3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.</li> <li>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the <i>approved</i>, stationary on-site pumps normally used for dispensing purposes.</li> <li>5. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.</li> <li>6. To install, alter, remove, abandon, place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected above-ground or above-ground flammable or combustible liquid tank.</li> <li>7. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.</li> <li>8. To manufacture, process, blend or refine flammable or combustible liquids.</li> </ol>	yes	\$100.00 \$50.00	Annual Event
<p><b>Floor finishing.</b> An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m<sup>2</sup>) using Class I or Class II liquids.</p>	no		
<p><b>Fruit and crop ripening.</b> An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.</p>	no		
<p><b>Fumigation, thermal, and insecticidal fogging.</b> An operational permit is required to operate a business of fumigation, thermal, or insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.</p>	no		
<p><b>Hazardous materials.</b> An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed below.</p>	yes	\$100.00	Annual
<b>PERMIT AMOUNTS FOR HAZARDOUS MATERIALS</b>			

Type of Material	Amount			
Combustible liquids	See flammable and combustible liquids			
Corrosive materials				
Gases	See compressed gases			
Liquids	55 gallons			
Solids	1000 pounds			
Explosive materials	See explosives			
Flammable materials				
Gases	See compressed gases			
Liquids	See flammable and combustible liquids			
Solids	100 pounds			
Highly toxic materials				
Gases	See compressed gases			
Liquids	Any amount			
Solids	Any amount			
Oxidizing materials				

Gases	See compressed gases			
Liquids				
Class 4	Any amount			
Class 3	1 gallon <sup>a</sup>			
Class 2	10 gallons			
Class 1	55 gallons			
Solids				
Class 4	Any amount			
Class 3	10 pounds <sup>b</sup>			
Class 2	100 pounds			
Class 1	500 pounds			
Organic peroxides				
Liquids				
Class I	Any amount			
Class II	Any amount			

Class III	1 gallon			
Class IV	2 gallons			
Class V	No permit required			
Solids				
Class I	Any amount			
Class II	Any amount			
Class III	10 pounds			
Class IV	20 pounds			
Class V	No permit required			
Pyrophoric materials				
Gases	See compressed gases			
Liquids	Any amount			
Solids	Any amount			
Toxic materials				
Gases	See compressed gases			

Liquids	10 gallons			
Solids	100 pounds			
Unstable (reactive) materials				
Liquids				
Class 4	Any amount			
Class 3	Any amount			
Class 2	5 gallons			
Class 1	10 gallons			
Solids				
Class 4	Any amount			
Class 3	Any amount			
Class 2	50 pounds			
Class 1	100 pounds			
Water reactive materials				
Liquids				

Class 3	Any amount			
Class 2	5 gallons			
Class 1	55 gallons			
Solids				
Class 3	Any amount			
Class 2	50 pounds			
Class 1	500 pounds			
<p>For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.</p> <p>a. Twenty gallons when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.</p> <p>b. Two hundred pounds when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.</p>				
<b>HPM facilities.</b> An operational permit is required to store, handle or use hazardous production materials.		yes	\$100.00	Annual
<b>High piled storage.</b> An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m <sup>2</sup> ).		yes	\$75.00	Annual
<p><b>Hot work operations.</b> An operational permit is required for hot work including, but not limited to:</p> <ol style="list-style-type: none"> <li>1. Public exhibitions and demonstrations where hot work is conducted.</li> <li>2. Use of portable hot work equipment inside a structure.</li> </ol> <p><b>Exception:</b> Work that is conducted under a construction permit.</p> <ol style="list-style-type: none"> <li>3. Fixed-site hot work equipment such as welding booths.</li> <li>4. Hot work conducted within a hazardous fire area.</li> <li>5. Application of roof coverings with the use of an open-flame device.</li> <li>6. When <i>approved</i>, the fire official shall issue a permit to carry out a Hot Work Program. This program allows <i>approved</i> personnel to regulate their facility's hot work operations. The <i>approved</i> personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for</li> </ol>		yes	\$50.00 \$25.00	Annual Event



issuing permits requiring compliance with the requirements found in this chapter. These permits shall be issued only to their employees or hot work operations under their supervision.			
<b>Industrial ovens.</b> An operational permit is required for operation of industrial ovens regulated by Chapter 30.	no		
<b>Lumber yards and woodworking plants.</b> An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft <sup>3</sup> ) (236 m <sup>3</sup> ).	yes	\$100.00	Annual
<b>Liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.</b> An operational permit is required to display, operate or demonstrate liquid-fueled or gas-fueled vehicles or equipment in assembly buildings.	yes	\$75.00	Event
<b>LP-gas.</b> An operational permit is required for: 1. Storage and use of LP-gas. <b>Exception:</b> An operational permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3. 2. Operation of cargo tankers that transport LP-gas.	yes	\$50.00	Annual
<b>Magnesium.</b> An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.	no		
<b>Miscellaneous combustible storage.</b> An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m <sup>3</sup> ) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.	yes	\$75.00	Annual
<b>Mobile food preparation vehicles.</b> A permit is required for <i>mobile food preparation vehicles</i> equipped with appliances that produce smoke or grease laden vapors. <b>Exception:</b> Recreational vehicles used for private recreation.	yes	\$75.00 \$25.00	Annual Event
<b>Open burning.</b> An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to. <b>Exception:</b> Recreational fires.	yes	\$50.00 Residential \$100.00 Commercial	Event 30 day
<b>Open flames and candles.</b> An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or drinking establishments.	yes	\$25.00 \$50.00	Event Annual
<b>Open flames and torches.</b> An operational permit is required to remove paint with a torch, or to use a torch or open-flame device in a wildfire risk area.	no		

<b>Organic coatings.</b> An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.	no		
<b>Places of assembly.</b> An operational permit is required to operate a place of assembly.	no		
<b>Private fire hydrants.</b> An operational permit is required for the removal from service, use or operation of private fire hydrants. <b>Exception:</b> An operational permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.	no		
<b>Pyrotechnic special effects material.</b> An operational permit is required for use and handling of pyrotechnic special effects material.	yes	\$50.00	Event
<b>Pyroxylin plastics.</b> An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate(pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.	no		
<b>Refrigeration equipment.</b> An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.	no		
<b>Repair garages and service stations.</b> An operational permit is required for operation of repair garages and automotive, marine and fleet service stations.	yes	\$75.00	Annual
<b>Rooftop heliports.</b> An operational permit is required for the operation of a rooftop heliport.	no		
<b>Spraying or dipping.</b> An operational permit is required to conduct a spraying or dipping operation utilizing flammable or combustible liquids or the application of combustible powders regulated by Chapter 24.	yes	\$50.00	Annual
<b>Storage of scrap tires and tire byproducts.</b> An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceeds 2,500 cubic feet (71 m <sup>3</sup> ) of total volume of scrap tires and for indoor storage of tires and tire byproducts.	yes	\$75.00	Annual
<b>Temporary membrane structures and tents.</b> An operational permit is required to operate an air-supported temporary membrane structure or a tent. <b>Exceptions:</b> 1. 1. Tents used exclusively for recreational camping purposes. 2. 2. Tents and air-supported structures that cover an area of 900 square feet (84 m <sup>2</sup> ) or less, including all connecting areas or spaces with a common means of egress or entrance and with an occupant load of 50 or less persons.	yes	\$50.00	Event
<b>Tire-rebuilding plants.</b> An operational permit is required for the operation and maintenance of a tire-rebuilding plant.	no		

<b>Waste handling.</b> An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.	yes	\$75.00	Annual
<b>Wood products.</b> An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m <sup>3</sup> ).	yes	\$75.00	Annual

**Sections 34-46 through 34-50 Reserved.**

**Division II. Open Burning**

**34-50. Open Burning.**

This ordinance shall be known as the City of Waynesboro Ordinance for the Regulation of Open Burning.

**34-51. Purpose.**

The purpose of this ordinance is to protect public health, safety, and welfare by regulating open burning within City of Waynesboro to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This ordinance is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.

**34-52. Definitions.**

For the purpose of this ordinance and subsequent amendments or any orders issued by City of Waynesboro, the words or phrases shall have the meanings given them in this section.

"Automobile graveyard" means any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and that it would not be economically practical to make operative, are placed, located or found.

"Built-up area" means any area with a substantial portion covered by industrial, commercial or residential buildings.

"Clean burning waste" means waste that is not prohibited to be burned under this ordinance and that consists only of (i) 100% wood waste, (ii) 100% clean lumber or clean wood, (iii) 100%-yard waste, or (iv) 100% mixture of only any combination of wood waste, clean lumber, clean wood or yard waste.

"Clean lumber" means wood or wood products that have been cut or shaped and include wet, air-dried, and kiln-dried wood products. Clean lumber does not include wood products that have been painted, pigment-stained, or pressure-treated by compounds such as chromate copper arsenate, pentachlorophenol, and creosote.

"Clean wood" means uncontaminated natural or untreated wood. Clean wood includes, but is not limited to, byproducts of harvesting activities conducted for forest management or commercial logging, or mill residues consisting of bark, chips, edgings, sawdust, shavings or slabs. It does not include wood that has been treated, adulterated, or chemically changed in some way; treated with glues, binders or resins; or painted, stained or coated.

"Construction waste" means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and other structures. Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints,

coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

"Debris waste" means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

"Demolition waste" means that solid waste that is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.

"Garbage" means readily putrescible discarded materials composed of animal, vegetable or other organic matter.

"Hazardous waste" means a "hazardous waste" as described in 9VAC20-60 (Virginia Hazardous Waste Management Regulations).

"Household waste" means any waste material, including garbage, trash and refuse derived from households. For purposes of this regulation, households include single and multiple residences, hotels and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds and day-use recreation areas. Household wastes do not include sanitary waste in septic tanks (septage) that is regulated by state agencies.

"Industrial waste" means any solid waste generated by manufacturing or industrial process that is not a regulated hazardous waste. Such waste may include but is not limited to waste resulting from the following manufacturing processes: electric power generation; fertilizer/agricultural chemicals; food and related products/byproducts; inorganic chemicals; iron and steel manufacturing; leather and leather products; nonferrous metals manufacturing/foundries; organic chemicals; plastics and resins manufacturing; pulp and paper industry; rubber and miscellaneous plastic products; stone, glass, clay and concrete products; textile manufacturing; transportation equipment; and water treatment. This term does not include mining waste or oil and gas waste.

"Junkyard" means an establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary landfills.

"Landfill" means a sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill. See 9VAC20-81 (Solid Waste Management Regulations) for further definitions of these terms.

"Local landfill" means any landfill located within the jurisdiction of a local government.

"Open burning" means the combustion of solid waste without:

1. Control of combustion air to maintain adequate temperature for efficient combustion;
2. Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and
3. Control of the combustion products' emission.

"Open pit incinerator" means a device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion byproducts emitted into the atmosphere. The term also includes trench burners, air curtain incinerators and over draft incinerators.

"Refuse" means all solid waste products having the characteristics of solids rather than liquids and that are composed wholly or partially of materials such as garbage, trash, rubbish, litter, residues from cleanup of spills or contamination or other discarded materials.

"Salvage operation" means any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.

"Sanitary landfill" means an engineered land burial facility for the disposal of household waste that is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, construction, demolition, or debris waste and nonhazardous industrial solid waste. See 9VAC20-81 (Solid Waste Management Regulations) for further definitions of these terms.

"Smoke" means small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

"Special incineration device" means an open pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

"Wood waste" means untreated wood and untreated wood products, including tree stumps (whole or chipped), trees, tree limbs (whole or chipped), bark, sawdust, chips, scraps, slabs, millings, and shavings. Wood waste does not include:

1. Grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands.
2. Construction, renovation, or demolition wastes.
3. Clean lumber.

"Yard waste" means grass, grass clippings, bushes, shrubs, and clippings from bushes and shrubs that come from residential, commercial/retail, institutional, or industrial sources as part of maintaining yards or other private or public lands. Yard waste does not include (i) construction, renovation, and demolition wastes or (ii) clean wood.

### **34-53. Prohibitions on open burning.**

- (a) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of refuse except as provided in this ordinance.
- (b) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of rubber tires, asphaltic materials, crankcase oil, impregnated wood or other rubber or petroleum-based materials except when conducting bona fide firefighting instruction at firefighting training schools having permanent facilities.
- (c) No owner or other person shall cause or permit open burning or the use of a special incineration device for the destruction of hazardous waste or containers for such materials.
- (d) No owner or other person shall cause or permit open burning or the use of a special incineration device for the purpose of a salvage operation or for the destruction of commercial/industrial waste.
- (e) Open burning or the use of special incineration devices permitted under the provisions of this ordinance does not exempt or excuse any owner or other person from the consequences, liability, damages or injuries that may result from such conduct; nor does it excuse or exempt any owner or other person from complying with other applicable laws, ordinances, regulations and orders of the governmental entities having jurisdiction, even though the open burning is conducted in compliance with this ordinance. In this regard special attention should be directed to §10.1-1142 of the Forest Fire

Law of Virginia, the regulations of the Virginia Waste Management Board, and the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution.

- (f) Upon declaration of an alert, warning or emergency stage of an air pollution episode as described in 9VAC5-70 (Air Pollution Episode Prevention) or when deemed advisable by the State Air Pollution Control Board to prevent a hazard to, or an unreasonable burden upon, public health or welfare, no owner or other person shall cause or permit open burning or use of a special incineration device; and any in process burning or use of special incineration devices shall be immediately terminated in the designated air quality control region.

### **34-54. Exemptions.**

The following activities are exempted to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution:

- (a) Open burning for training and instruction of government and public firefighters under the supervision of the designated official and industrial in-house firefighting personnel;
- (b) Open burning for camp fires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;
- (c) Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack;
- (d) Open burning for forest management, agricultural practices, and highway construction and maintenance programs approved by the State Air Pollution Control Board; and
- (e) Open burning for the destruction of classified military documents.

### **34-55. Permissible open burning.**

- (a) Open burning is permitted on site for the destruction of leaves and tree, yard and garden trimmings located on the premises of private property, provided that the following conditions are met:
  - 1. The burning takes place on the premises of the private property; (and)
  - 2. The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted (; and
  - 3. No regularly scheduled collection service for such trimmings is available at the adjacent street or public road).
- (b) Open burning is permitted on site for the destruction of household waste by homeowners or tenants, provided that the following conditions are met:
  - 1. The burning takes place on the premises of the dwelling;
  - 2. Animal carcasses or animal wastes are not burned;
  - 3. Garbage is not burned; (and)
  - 4. The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted (; and
  - 5. No regularly scheduled collection service for such refuse is available at the adjacent street or public road).
- (c) Open burning is permitted on site for destruction of debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations that maybe approved by the Fire Chief, provided the following conditions are met:
  - 1. All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the Fire Chief;
  - 2. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;

3. The burning shall be at least 500 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;
  4. The burning shall be conducted at the greatest distance practicable from highways and air fields;
  5. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
  6. The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
  7. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.
- (d) Open burning is permitted for destruction of debris on the site of local landfills provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas, provided that the following conditions are met:
1. The burning shall take place on the premises of a local sanitary landfill that meets the provisions of the regulations of the Virginia Waste Management Board;
  2. The burning shall be attended at all times;
  3. The material to be burned shall consist only of brush, tree trimmings, yard and garden trimmings, clean burning waste, clean burning debris waste, or clean burning demolition waste;
  4. All reasonable effort shall be made to minimize the amount of material that is burned;
  5. No materials may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board. The exact site of the burning on a local landfill shall be established in coordination with the regional director and the Fire Chief no other site shall be used without the approval of these officials. The Fire Chief shall be notified of the days during which the burning will occur.

### **34-56. Permits.**

- (a) When open burning of debris waste (Section 34-55(c)) or open burning of debris on the site of a local landfill (Section 34-55(d)) is to occur within City of Waynesboro, the person responsible for the burning shall obtain a permit from the Fire Chief, prior to the burning. Such a permit may be granted only after confirmation by the Fire Chief, that the burning can and will comply with the provisions of this ordinance and any other conditions that are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by the Fire Chief.
- (b) Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from the Fire Chief such permits to be granted only after confirmation by the Fire Chief or his assistants, designated by him, that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met that are deemed necessary by the Fire Chief, to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum contain the following conditions:
1. All reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, sawlogs and firewood.
  2. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material.
  3. The burning shall be at least 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; burning shall be conducted at the greatest distance practicable from highways and air fields. If the Fire Chief, determines that it is necessary to protect public health and welfare, he may direct that any of the above cited distances be increased.

4. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials.
  5. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.
  6. The use of special incineration devices shall be allowed only for the destruction of debris waste, clean burning construction waste, and clean burning demolition waste.
  7. Permits issued under this subsection shall be limited to a specific period of time deemed appropriate by the Fire Chief.
- (c) No permit or amendment thereto required by the City Code to begin burning shall be issued until the fees prescribed in this section have been paid:
1. A fee of \$50.00 shall be paid for any open burning permit issued for the purpose of “residential burning” or for burning of residential “construction waste.”
  2. A fee of \$100.00 shall be paid for any open burning permit issued for the purpose of burning “debris waste” and other than residential “construction waste.”

### **34-57. Penalties for violation.**

- A. Any violation of this Open Burn Ordinance is punishable as a Class 1 misdemeanor.
- B. Each separate incident may be considered a new violation.

## **Division III. Fireworks, blasting, and other similar devices**

### **34-58. Sky Lanterns.**

The release of Sky Lanterns or “Kongming Lanterns” or similar devices is prohibited within the City.

### **34-59. Liability insurance as prerequisite to issuance of blasting permit.**

- (a) As a condition to issuance of a blasting permit, the applicant for such permit shall comply with the financial responsibility provisions of the Explosives and Fireworks chapter of the Fire Code.
- (b) Where blasting is to be conducted in an area where there is a high density of persons or where there are a number of nearby structures of two stories or more, the Fire Chief may require liability insurance coverage greater than that specified in subsection (1) of this section, in order to adequately make available protection commensurate with the risk to persons and property.
- (c) This section shall not apply to blasting operations undertaken by the City.

### **34-60. Manufacture, sale, discharge, etc., of certain fireworks prohibited.**

Except as otherwise provided in this Article, it shall be unlawful for any person to transport, manufacture, store, sell, offer for sale, expose for sale, buy, use, ignite, possess or explode any firecracker, torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or inflammable compound or substance, and is intended, or commonly known, as fireworks, and which explodes, rises into the air or travels laterally, or fires projectiles into the air, other than sparks.

### **34-61. Exception for certain permissible fireworks.**

The prohibition in Section 34-60 shall not apply to fountains that do not emit sparks or other burning effects to a distance greater than five meters (16.4 feet); wheels that do not emit a flame radius greater than one meter (39 inches); crackling devices and flashers or strobes that do not emit sparks or other burning effects to a distance greater than two meters (78.74 inches); and sparkling devices or other fireworks devices that: (i) do not explode or produce a report; (ii) do not travel horizontally or vertically under their own power; (iii) do not emit or function as a projectile; (iv) do not produce a continuous flame longer than 20 inches; (v) are not capable of being reloaded; and (vi) if designed to be ignited by a fuse, have a fuse that is protected to resist side ignition and a burning time of not less than four seconds and not more than eight seconds when used or exploded on private property with the consent of the owner of



such property; nor shall the provisions of this article apply to the use of fireworks by any railroad company for signal purposes or illumination; nor shall the provisions of this article apply to the sale or use of blank cartridges for a show or theater or for signal or ceremonial purposes in athletics or sports or for use by military organizations.

### **34-62. Additional exceptions only with a fireworks permit.**

- (a) Notwithstanding the other provisions of this Article, displays of fireworks may be given by fair associations, amusement parks or by any organization or group of individuals in accordance with a permit from the Fire Chief. Except as provided in section 34-58.03, it shall be unlawful for any person to hold, present or give any such display of fireworks without first having obtained such a permit from the Fire Chief.
- (b) Except as provided in section 34-61, any person, business, organization or other entity engaged in the sale, storage, distribution, manufacture or display of fireworks anywhere in the City must obtain a permit from the Fire Chief and must comply with all terms and conditions imposed by the Fire Chief in connection with the permit prior to engaging in any sale, storage, distribution, manufacture or display of fireworks. The fee for such permit shall be as established in the fee schedule maintained by the fire official, as may be amended from time to time.

### **34-63. Fireworks permit--Application.**

Any person, business, organization or other entity required by section 34-62 to obtain a permit shall make application to the Fire Chief at least ten (10) days prior to the date of such fireworks display or other activity requiring a permit. Such application shall be on forms provided by the Fire Chief. The applicant shall furnish such information as may be required by the Fire Chief, comply with all terms and conditions imposed by the Fire Chief and pay the required fee(s).

### **34-64. Fireworks permit--Investigation; issuance or refusal.**

Upon filing of an application for a permit required by section 34-62, the Fire Chief shall make an investigation to determine whether the applicant is properly qualified to present a fireworks display or engage in other activities requiring a fireworks permit and whether such activities can occur within the City without danger to property or person. If the Fire Chief is satisfied with the results of such investigation, and the applicant complies with all requirements imposed by this chapter and any applicable regulations or procedures, the Fire Chief shall issue the permit. If the Fire Chief is not satisfied with the results of such investigation, or if the applicant has not complied with any or all requirements imposed by this ordinance and any applicable regulations or procedures, the Fire Chief shall refuse to issue such permit.

### **34-65. Fireworks permit--Conditions.**

The Fire Chief may specify, in any permit issued pursuant to section 34-64, any conditions that the Fire Chief shall deem necessary to protect persons and property. Such conditions may include, but shall not be limited to, the type of fireworks to be used in a fireworks display, the hours when such display may be presented, required fire extinguishing equipment, the presence of trained fire fighters and police officers at such display, the manner, place or other conditions of storage of fireworks by anyone required to obtain a permit pursuant to section 34-62 and any other requirement that the Fire Chief may deem necessary.

### **34-65. Fireworks permit--Liability insurance or bond required.**

Each person, business, organization or other entity required by section 34-58.04 to apply for and obtain a permit (the "permittee") shall file with the fire official evidence of a valid policy of liability insurance from an insurance company authorized to conduct business in the Commonwealth of Virginia or a bond in an amount deemed adequate by the fire official to insure the payment of all damages which may be caused either to persons or to property by reason of the permitted display, sale, storage or other activity subject to the requirements of this article and arising from any acts of the permittee or his agents, employees or subcontractors

### **34-66. Fireworks permit--Nontransferable.**

No permit issued pursuant to section 34-64 shall be transferable.

**34-67. Disposal of unused fireworks after display.**

Any fireworks remaining unfired at the end of any display shall be immediately disposed of in a manner safe for that particular type of fireworks.

**34-68. Sale, discharge, etc., prohibited in certain locations.**

It shall be unlawful for any person, firm, corporation, organization or group to sell, offer for sale, store, display, manufacture, possess or discharge any fireworks within one hundred (100) feet of any gasoline pump, propane distribution tank, or other inflammable liquid distribution pump or apparatus, except in a fully enclosed building where fireworks are permitted for such sale or use.

The term "fully enclosed building" shall not be construed to include any outdoor stands or other similar structures that have been set up to sell, offer for sale, store or display any fireworks.

**34-69. Seizure and destruction of certain fireworks.**

Any law enforcement officer arresting any person for the violation of any provision of this article shall seize any article mentioned in Section 34-68 which is in the possession of or under the control of the person so arrested, and shall hold the same until final disposition of any criminal proceedings against such person. If a judgment of conviction is entered against such person, the court shall, in addition to any other penalty imposed, order destruction of such articles upon expiration of the time allowed for appeal of such judgment of conviction.

**Sections 34-70 through 34-99 Reserved.**

Adopted by the City Council of the City of Waynesboro, Virginia, on this \_\_\_\_\_.

**CERTIFICATE**

The undersigned Mayor and Clerk of the City Council of the City of Waynesboro, Virginia hereby certify that the foregoing constitutes a true and correct copy of an ordinance entitled An Ordinance AMENDING CHAPTER 34, FIRE PREVENTION AND PROTECTION, OF THE CITY CODE OF THE CITY OF WAYNESBORO, VIRGINIA adopted by the City Council at a meeting held on \_\_\_\_.

Introduced:

Adopted:

Effective:

ATTEST: \_\_\_\_\_

Clerk, City Council  
City of Waynesboro, Virginia

\_\_\_\_\_  
Mayor, City Council  
City of Waynesboro, Virginia