



## City of Poquoson Fire/Rescue

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### City of Poquoson Fire/Rescue Open Burning Regulations

The City of Poquoson Fire/Rescue Department is asking for your cooperation in observing the following burning laws for the City of Poquoson.

#### **CODE OF THE CITY OF POQUOSON** **ARTICLE V. PREVENTION OF SPREAD OF FIRES** *(Section 38-151(a))*

**It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris or other flammable material upon such land, unless he previously shall have taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to land other than those owned or leased by him. It shall also be unlawful for any employee of such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass debris, or other flammable material, upon such land unless he shall have taken similar precautions to prevent the spread of such fire to any other land.**

#### *(Section 38-151(b))*

**Open burning is permitted for the disposal of leaves and tree, yard and garden trimmings located on the premises of private residences, provided the following conditions are met:**

- The burning takes place on the premise of a private residence.
- 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 located.
- The fire must be attended at all times.

#### *(Section 38-151(c))*

**DURING THE PERIOD BEGINNING FEBRUARY 15<sup>TH</sup> AND ENDING APRIL 30<sup>TH</sup> OF EACH YEAR IT IS UNLAWFUL FOR ANY PERSON TO SET FIRE TO ANY BRUSH, LEAVES, GRASS, DEBRIS OR FIELD CONTAINING DRY GRASS OR OTHER FLAMMABLE MATERIAL CAPABLE OR SPREADING FIRE LOCATED IN OR WITHIN 300 FEET OF ANY WOODLAND OR BRUSHLAND, EXCEPT BETWEEN THE HOURS OF 4:00 PM AND 12:00 MIDNIGHT.**

*(Section 38-151(d))*

**Any person violating any provisions of this section shall, upon conviction, be fined not less than \$10.00 nor more than \$100.00 for each separate offense.**

*(Code 1982, § 10-3)*

**State law reference** – Similar provisions, Code of Virginia, § 10.1-1142.

*(Section 38-152)*

**Whoever shall build a fire in the open air, or use a fire built by another in the open air, shall before leaving such fire unattended, totally extinguish it. A violation of this section shall constitute a class 4 misdemeanor.**

*(Code 1982, § 10-5)*

**State law reference** – Similar provisions, Code of Virginia, § 10.1-1142.

*(Section 38-153(a))*

**The city manager or any person designated by him shall be charged with the duty and responsibility of enforcing sections 38-151 and 38-152.**

*(Section 38-153(b))*

**If any forest or brush fire shall originate as a result of the violation by any person of any provision of sections 38-151 and 38-152, such person shall, in addition to any penalty that may be imposed, be liable to the city for the full amount of all expenses incurred by the city in suppressing such fire.**

*(Code 1982, § 10-6)*

*(Section 38-154)*

**Any person who intentionally sets or procures another to set fire to any woods, brush, leaves, grass, straw or any other flammable substance capable of spreading fire, and who intentionally allows the fire to escape to lands not his own, whereby the property of another is damaged or jeopardized, shall be guilty of a class 2 misdemeanor and shall be liable for the full amount of all expenses incurred in fighting the fire.**

*(Code 1982, § 10-7)*

**State law reference** – Similar provisions, Code of Virginia, § 18.2-87.

*(Section 38-155)*

**If any person carelessly, negligently or intentionally sets any woods or marshes on fire, or sets fire to any stubble, brush, straw, or any other substance capable of spreading fire on lands, whereby the property of another is damaged or jeopardized, he shall be guilty of a class 4 misdemeanor and shall be liable for the full amount of all expenses incurred in fighting the fire.**

*(Code 1982, § 10-8)*

**State law reference** – Similar provisions, Code of Virginia, § 18.2-88.

The City of Poquoson Fire/Rescue is also asking citizens to voluntarily cut brush and other yard debris away from out-buildings and residences. We have noticed that there are many incidences where woodlands have grown dangerously close to properties.

This situation represents a danger with regard to fire. In the event of fire, it would be difficult to protect all the homes that have become encroached by woodland. We ask that all homes and lot owners look closely at their situation and take appropriate action now.