

INTRODUCED: September 14, 2015

AN ORDINANCE No. 2015-190

As Amended

To amend City Code § [~~46-1-3~~] 13-22, concerning the authority of the fire code official at fires and other emergencies, for the purpose of authorizing the fire code official to regulate open burning, and to amend ch. 13, art. V, div. 3 of the City Code by adding therein a new section 13-199 for the purpose of prohibiting open burning without authorization from the fire code official and failing to contain or extinguish any open burning when requested by the fire code official.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: NOV 9 2015 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That section [~~46-1-3~~] 13-22 of the Code of the City of Richmond [~~(2004)~~] (2015) be and is hereby **amended** and reordained as follows:

Sec. [~~46-1-3~~] 13-22. Authority at fires and other emergencies.

The fire code official or a duly authorized representative, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire code official may prohibit any

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: JAN 11 2016 REJECTED: _____ STRICKEN: _____

person, vehicle or object from which may impede or interfere with the operations of the department of fire and emergency services. The fire code official may remove or cause to be removed any person, vehicle, or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the fire code official. ~~[The fire code official shall have authority to control, contain or extinguish any open burning.]~~

§ 2. That Chapter 13, Article V, Division 3 of the Code of the City of Richmond (2015) be and is amended and reordained by adding therein a new section numbered 13-199 as follows:

Sec. 13-199. Prohibitions related to open burning.

It shall be unlawful for any person, without proper authorization from the fire code official, to ignite any open burning, as defined by the Virginia Statewide Fire Prevention Code, within the city. It shall also be unlawful for any responsible person to fail to contain or extinguish any open burning when requested to do so by the fire code official.

~~[§ 2.]~~ § 3. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

RECEIVED
4-3927
AUG 6 2015

CHIEF ADMINISTRATIVE OFFICE
CITY OF RICHMOND

O&R REQUEST

DATE: EDITION: 2

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

FROM: Robert Creecy, Fire Chief

RE: Fire code on opening burning

RECEIVED
AUG 19 2015
OFFICE OF CITY ATTORNEY

ORD. OR RES. No. _____

PURPOSE: Improve fire official's ability to control open burning within city limits.

REASON: Section 307 of the Virginia Statewide Fire Prevention Code regulates open burning, yet city fire officials seek city code which improves ability to manage safety on such activities.

RECOMMENDATION: Add to Section 46.1-3 to the City Code

City code section currently reads: "Authority at fires and other emergencies.

The fire code official or a duly authorized representative, as may be in charge at the scene of a fire or other emergency involving the protection of life and/or property, is empowered to direct such operations as may be necessary to extinguish or control any suspected or reported fires, gas leaks, or other hazardous conditions or situations or of taking any other action necessary in the reasonable performance of their duty. The fire code official may prohibit any person, vehicle or object from which may impede or interfere with the operations of the Department of Fire and Emergency Services. The fire code official may remove or cause to be removed any person, vehicle, or object from hazardous areas. All persons ordered to leave a hazardous area shall do so immediately and shall not reenter the area until authorized to do so by the fire code official."

Request to add as next paragraph: "Open burning, including recreational fires or other fires, may not occur unless as authorized by the fire official. The fire official may cause any open burning, including recreational or other fires to be better controlled, or extinguished. Fire official may prohibit all burning during high risk weather conditions."

BACKGROUND: The Virginia Statewide Fire Prevention Code changes on a 3 year cycle, and allows localities to enact safer regulations. State fire code defines "open burning" and "recreational fires", thus interpretations may limit some enforcement based on technicality of wording. In addition to statewide fire code, city fire officials need clear code within city's control, to properly manage fire hazards within city.

FISCAL IMPACT / COST: none

FISCAL IMPLICATIONS: none

BUDGET AMENDMENT NECESSARY: None

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE:

REQUESTED INTRODUCTION DATE: September 14, 2015

CITY COUNCIL PUBLIC HEARING DATE: September 28, 2015

REQUESTED AGENDA:

RECOMMENDED COUNCIL COMMITTEE: Safety

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES: none

AFFECTED AGENCIES: Department of Fire and Emergency Services

RELATIONSHIP TO EXISTING ORD. OR RES.: Applies city code to promote safety.

REQUIRED CHANGES TO WORK PROGRAM(S): Enables fire officials to better manage fire risk.

ATTACHMENTS:

STAFF: