

CHAPTER 46  
Division 3

**POWHATAN FIRE PREVENTION CODE**

Sec. 46-41	Adoption of Virginia Statewide Fire Prevention Code
Sec. 46-42	Implementation and Enforcement; Fire Code Official
Sec. 46-43	Board of Fire Prevention Code Appeals
Sec. 46-44	Definitions
Sec. 46-45	Open Burning
Sec. 46-46	Fire Permits
Sec. 46-47	Operation Permits
Sec. 46-48	Fees
Sec. 46-49	Prohibited Use of Designated Fire Lanes
Sec. 46-50	Enforcement
Sec. 46-51	Modifications
Sec. 46-52	Amendments, additions and deletions to Virginia Statewide Fire Prevention Code

**Sec. 46-41. Adoption of Statewide Fire Prevention Code.**

The Virginia Statewide Fire Prevention Code (VSFPC), as amended, the provisions of which are incorporated herein by reference, is adopted as the Fire Prevention Code of the County of Powhatan (Fire Prevention Code).

**Sec. 46-42. Implementation and Enforcement; Fire Code Official.**

The Board of Supervisors shall appoint a Fire Code Official. The Fire Code Official and such persons as he may designate to act for and in his behalf shall take all actions necessary to implement and enforce the Fire Prevention Code. The Fire Code Official shall be employed in the Building Inspection Department. The provisions of the Fire Prevention Code shall be enforced and implemented by the Fire Code Official as provided in the VSFPC.

**Sec. 46-43. Board of Fire Prevention Code Appeals (BFPCA).**

The county BFPCA is hereby designated as the board to hear appeals arising from the application of the provisions of the Fire Prevention Code. Those persons appointed to the county Board of Building Code Appeals (BBCA) shall be deemed to be the members of the county BFPCA. The terms of office for members of the BFPCA shall be concurrent with their terms of office on the BBCA. All provisions of the VSFPC, as amended, concerning appeals to the BFPCA are adopted herein by reference.

**Sec. 46-44. Definitions.**

For the purpose of this chapter, the words or phrases shall have the meaning given them in this section. Terms not defined in this section shall have their ordinarily accepted meaning.

***Construction waste*** means solid waste that is produced or generated during construction of structures. Construction waste includes but is not limited to 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, semi-liquids, compressed gases, or garbage are not construction wastes and the disposal of such materials must be in accordance with federal, state and local regulations.

***Debris waste*** includes but is not limited to leaves, yard and garden trimmings, tree stumps, wood, brush and similar vegetation produced during land clearing operations, or otherwise.

***Demolition waste*** means that solid waste which is produced by the destruction of structures and their foundations and includes but is not limited to construction waste.

**Fire lane.** A designated area, identified by clearly visible signs or markings, in which parking of any vehicle for any reason, or placement of any object or structure, shall be prohibited, whether on public or private property, in order to insure ready access for and to fire fighting equipment and facilities.

**Sec. 46-45. Open Burning.**

**A. Debris waste.**

Open burning of debris waste shall be allowed without a permit provided the following conditions are met:

- 1) The debris waste was generated on the property where burning takes place; and
- 2) The location of the burning is not less than one hundred (100) feet from any occupied building unless the occupants or owners of any building or property within 100 feet of the burning have given prior written permission; and
- 3) Any burn pile size shall not exceed 8' X 8' X 4' or 256 cubic feet, whichever is larger; and
- 4) A competent person shall constantly attend any fire from time of ignition until completely extinguished. The attendant shall have fully functioning and adequate fire-extinguishing equipment readily available for use at all times during the burning.
- 5) Burning shall be conducted only when winds will not carry ash to another persons dwelling, structure or roadway.

The burning of debris waste shall require a permit issued by the Fire Code Official when any of the conditions listed above are not met.

**B. Construction and Demolition Waste.**

Open burning of construction waste and demolition waste shall require a permit issued by the Fire Code Official, except as allowed in Section 46-46(4).

**Sec. 46-46. Fire permits.**

Persons engaging in any of the following activities shall first obtain a permit from the Fire Code Official before commencement of the activities. The Fire Code Official shall follow the VSFPC in reviewing and issuing any permit to ensure public safety.

- 1) **Fireworks Displays:** A permit shall be required for the display of fireworks other than those defined by the VSFPC as "Permissible fireworks". Application for fireworks display permits shall be made in writing at least 15 working days in advance of the date of the display or discharge of fireworks.
- 2) **Explosives:** A permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, fireworks, or pyrotechnic special effects within the scope of the VSFPC, with the exception of those fireworks defined as "permissible fireworks".
- 3) **Burn Permits:** Unless excepted in Section 46-46(4), a permit is required for the kindling or maintaining of an open fire on any property, public or private, for

burning of debris waste, construction waste or demolition waste as defined herein. Failure to adhere to the instructions, conditions or stipulations of the permit shall be a violation of this ordinance.

4) **Exceptions:**

- A) Open burning of debris, construction or demolition waste to be conducted by any person as part of lot clearing or construction operations upon any residentially zoned land which has been recorded as a subdivision shall be prohibited, and no permit shall be issued therefor.
- B) A permit shall not be required for the burning of debris, construction or demolition waste that occurs on land zoned Agricultural when the burning is directly associated with activities on the same parcel.

**Sec 46-47 Operation Permits.**

An annual fire prevention inspection and issuance of an operation permit shall be required for the following occupancies:

- 1) Any building or structure that is equipped with one or more fire protection systems that are required for compliance with the Virginia Uniform Statewide Building Code.
- 2) State licensed educational or care facilities.

**Sec. 46-48. Fees.**

- 1) Fees for Fire Permits or Operation Permits shall be paid at the time of application for the permit in the amount specified in the County Fee Schedule.
- 2) Fire Department Response Fee: Costs for any emergency response required to control or extinguish an open burn shall be charged to the responsible party when the Fire Official determines that inadequate measures were taken to maintain control of open burning activities. The fee amount shall be determined in accordance with the County Fee Schedule.

**Sec. 46-49. Prohibited use of designated fire lanes.**

- 1) No person shall park or leave any unattended vehicle in a fire lane or otherwise obstruct or allow or cause obstruction of a fire lane with any vehicle, object or structure.
- 2) No person shall place or locate any equipment, materials, or any other object in a fire lane or obstruct a fire lane in any other manner.

In the event the vehicle, object or structure impedes emergency operations in any way, the penalty for violation of this chapter shall be the penalty provided in the VSFPC. In all other cases, the penalty shall be as provided by the parking regulations of the Powhatan County Code.

**Sec. 46-50 Enforcement.**

In addition to enforcement actions by the Fire Code Official, the duly authorized law enforcement agencies of Powhatan County and the Commonwealth of Virginia are authorized to enforce this ordinance.

**Sec. 46-51. Modifications.**

The Fire Code Official shall have the authority granted by the VSFPC to modify any provision of the Fire Prevention Code, upon application in writing by an owner or lessee or his or her duly authorized agent. The Fire Code Official shall make no modifications except as allowed by the VSFPC. In evaluating such modification requests, the Fire Code Official shall consult with the Powhatan County Fire Chief prior to granting final approval.

**Sec. 46-52. Amendments, additions and deletions to the VSFPC.**

The Virginia Statewide Fire Prevention Code is hereby amended and changed pursuant to Code of Virginia, § 27-97, in the following respects:

The following appendices of the International Fire Code, 2003 edition, shall be a part of this code:

Appendix B - Fire-flow Requirements for Buildings

Appendix C - Fire Hydrant Locations and Distribution

Appendix D - Fire Apparatus Access Roads, except that Section D106 and Section D107 shall not be included.

**ADOPTED BY THE POWHATAN COUNTY BOARD OF SUPERVISORS ON DECEMBER 10, 2007.**

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**T. J. BISE, CHAIRMAN  
POWHATAN COUNTY  
BOARD OF SUPERVISORS**

**Attest:**

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**CAROLYN L. CIOS, CLERK  
POWHATAN COUNTY BOARD OF SUPERVISORS**

**T. J. Bise** \_\_\_\_\_  
**Russell E. Holland** \_\_\_\_\_  
**Robert R. Cosby** \_\_\_\_\_  
**C. Scott Daniel** \_\_\_\_\_  
**R. Kenneth Hatcher** \_\_\_\_\_