



Albemarle County

Legislation Details (With Text)

File #: 18-496 **Version:** 1 **Name:**

Type: Ordinance **Status:** Passed

File created: 9/11/2018 **In control:** Board of Supervisors

On agenda: 10/3/2018 **Final action:** 10/3/2018

Title: Open Air Burning Regulations for Land Clearing and Development Operations. To receive public comment on its intent to adopt an ordinance to amend Chapter 6, Fire Protection, Article IV, Burning of Brush, etc., of the Albemarle County Code. The proposed ordinance, authorized by 9 VAC 5-130-100, would amend the open burning regulations related to the development of land to: (i) authorize the Fire Marshal to order the extinguishment of an open burning operation when open burning creates or adds to a hazardous situation or when a required permit for open burning has not been obtained; (ii) clarify that open burning currently permitted on private property shall be limited to materials originating from the premises of the private property and that open burning currently permitted for the disposal of debris waste shall be limited to waste originating from and located on the premises; (iii) increase the required distance of a burning from an occupied building from 500 feet to 2,000 feet unless the occupants have given prior permission, or to 1,000 feet if a special incinerator device is used; (iv) require the approval of a written site and burn plan; (v) require proof of a minimum of \$1.5 Million in liability insurance; (vi) restrict burning completely during the Virginia Department of Forestry restriction from February 15 to April 30; (vii) restrict burning to Monday through Friday between 8 a.m. and 8 p.m. from May 1 through February 14 when the Virginia Department of Forestry has no burning restrictions in place; (viii) limit the number of burn permits allowed to three permits per parcel per year; and (ix) update the references to the Commonwealth of Virginia Regulations for the Control and Abatement of Air Pollution.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - June 6, 2018 Open Burn ES, 2. B - Proposed Ordinance

Date	Ver.	Action By	Action	Result
10/3/2018	1	Board of Supervisors	adopted	Pass

AGENDA DATE: 10/3/2018

TITLE:

Open Air Burning Regulations for Land Clearing and Development Operations

SUBJECT/PROPOSAL/REQUEST: Adoption of an ordinance to strengthen County regulations regarding open air burning

ITEM TYPE: Regular Action Item

STAFF CONTACT(S): Richardson, Walker, Kamptner, Farley, Eggleston, Oprandy, Lagomarsino

PRESENTER (S): Amanda Farley

LEGAL REVIEW: Yes

REVIEWED BY: Jeffrey B. Richardson

BACKGROUND: The Board has discussed open-air burning on a number of occasions and approved a draft ordinance on June 6, 2018 that included the Fire Marshal's recommended changes to further restrict commercial open burning by date, time, distance, and number of permits issued, and to require proof of liability insurance for applications for commercial open burning.

STRATEGIC PLAN: *Natural Resources Stewardship:* Thoughtfully protect and manage Albemarle County's ecosystem and resources both in the rural and development areas to safeguard the quality of life for current and future generations. *Quality Government Operations:* Ensure the County's capacity to achieve high quality service that achieves Community priorities

DISCUSSION: The draft ordinance was forwarded to the Commonwealth's Air Pollution Control Board for approval. The Air Pollution Control Board requested the following changes:
County Code § 6-402, Adoption of Virginia State Air Pollution Control Board regulations: Add this section to the proposed ordinance and update the site reference of the Regulations for the Control and Abatement of Air Pollution; and
County Code § 6-404, Prohibitions on burning: Revise paragraph G to clarify the Fire Marshal's authorization.

In addition, revisions were made to County Code § 6-406 to clarify that open burning that is currently permitted on private property shall be limited to materials originating from the premises of the property, and that open burning that is currently permitted for the disposal of debris waste shall be limited to waste originating from and located on the premises.

The Commonwealth Air Pollution Control Board approved the attached proposed ordinance (Attachment B), which includes all of the above revisions.

Staff recognizes that citizens and the Board are also concerned about residential open air burning. Staff plans to return to the Board in November to discuss how to address those concerns.

BUDGET IMPACT: The budget impact will be some additional workload, but significant budget impact is not anticipated at this time.

RECOMMENDATION:

Staff recommends that, after the public hearing, the Board adopt the attached proposed ordinance (Attachment B).

ATTACHMENTS:

- A - June 6, 2018 Executive Summary w/o attachments
- B - Proposed draft ordinance