

ADOPTED

MAY 11 2021

Board of Supervisors
James City County, VA

ORDINANCE NO. 9A-19

ORDINANCE TO AMEND AND REORDAIN CHAPTER 9, FIRE PROTECTION AND EMERGENCY SERVICES BY AMENDING ARTICLE 1, FIRE PREVENTION CODE.

BE IT ORDAINED by the Board of Supervisors of the County of James City, Virginia, that Chapter 9, Fire Protection and Emergency Services, is hereby amended and reordained by amending Article 1, Fire prevention code.

Sec. 9-1. Adoption of Virginia statewide fire prevention code.

~~Pursuant to section 27-97 of the Code of Virginia, the 2000 edition of the Virginia Statewide Fire Prevention Code is adopted by James City County, except as otherwise modified or amended in this article, and the same is hereby incorporated fully by reference. This code shall be referred to in this chapter as the "fire prevention code" or "SFPC." The fire prevention code shall be enforced by the fire official under the direction of the fire chief. For the purposes of this chapter the fire chief shall be the head of the James City County fire department.~~

~~(Ord. No. 9A-3, 11-6-89; Ord. No. 9A-10, 6-24-97; Ord. No. 9A-12, 10-14-03; Ord. No. 9A-14, 10-11-05)~~

Sec. 9-2. Definitions.

~~The following words and terms used in the fire prevention code shall have the definitions ascribed to them in this section:~~

~~*Debris waste.* Includes stumps, wood, brush and leaves from land clearing operations.~~

~~*Fire official.* The fire marshal of the county or his duly authorized representative. For the purposes of this code, the term code official shall also mean fire official.~~

~~*Fireworks.* Any item known as a firecracker, torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or flammable 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. The term "fireworks" shall also include pinwheels, sparklers, fountains or Pharaoh's serpents. The term "fireworks" shall not include auto flares or caps for pistols.~~

~~*IFC.* International Fire Code/2000.~~

~~*Jurisdiction.* The County of James City, Virginia.~~

~~*Legal department of the jurisdiction.* The county attorney or an attorney appointed by the board of supervisors to represent the county in legal matters.~~

~~*Local governing body.* The James City County Board of Supervisors.~~

~~*Primary service area.* The primary service area (PSA) is the area as defined in [Chapter 24, Article I, Section 24-2](#) of this code.~~

Yard waste. Include leaves, brush, grass, stumps, scrub vegetation, bushes, and twigs or branches.

(Ord. No. 9A-3, 11-6-89; Ord. No. 9A-7, 8-16-93; Ord. No. 9A-10, 6-24-97; Ord. No. 9A-12, 10-14-03;
Ord. No. 9A-13, 6-14-05)

Sec. 9-3. Amendments.

The fire prevention code is hereby amended, modified and changed as set out in the following subsections of this section:

- (1) ~~—SFPC Section 107.2, Permits required, is hereby added:~~

~~Permits shall be obtained, when required, from the fire official. Permits shall be available at all times on the premises designated in the permit for inspection of the fire official. Fees for such permits, and for inspections, shall be in such amounts as are from time to time established by resolution of the board of supervisors.~~

~~With exception of mandatory permits for explosives and blasting agents, the county shall require permits issued as a part of the Statewide Fire Prevention Code for the following:~~

~~(a) —Fireworks.~~

~~(b) —Open burning of debris waste as a result of land clearing, refuse as result of agricultural and forestal management practices, and bonfires.~~

- (2) ~~—SFPC Table 107.2, Operational Permit Requirements is hereby added:~~

~~(a) —\$100.00 per event or \$200.00 per calendar year (at same site with similar displays) for fireworks.~~

~~(b) —\$50.00 for each waste open burning permit.~~

~~(c) —\$25.00 for each bonfire permit.~~

- (3) ~~—SFPC Section 112.1, Local Board of Fire Prevention Code Appeals (BFPCA), is hereby added:~~

~~The James City County Board of Building Code Appeals is hereby constituted as and shall serve as the James City County Board of Fire Prevention Code Appeals.~~

- (4) ~~—SFPC Section 112.2.1, Chairman is hereby added:~~

~~The chairman of the James City County Board of Building Code Appeals shall also serve as chairman of the James City County Board of Fire Prevention Code Appeals.~~

- (5) ~~—IFC Section 503.2.2, Authority is hereby added:~~

~~Fire apparatus access roads, when required, shall conform to the specifications issued by the fire official. The fire official shall maintain records of those properties which are required to establish and maintain fire apparatus roads.~~

- (6) ~~—IFC Section 307.2.2, Prohibited open burning, is hereby added:~~

~~Open burning shall be allowed without prior notification to the fire official for recreational fires, highway safety flares, smudge pots and similar occupational needs, and the burning of yard waste, and household debris, except garbage, when conducted in accordance with this code; provided, however, pursuant to section 10.1-1142 of the Code of Virginia, that:~~

- ~~(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 inflammable material upon such land unless he previously has 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 lands other than those owned or leased by him. It shall also be unlawful for any employee of any 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 inflammable material upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.~~
- ~~(b) — Except as provided in subsection (c), during the period beginning February 15 and ending April 30 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful in this county or any portion thereof organized for forest fire control under the direction of the state forester, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire located in or within three hundred feet of any woodland, brushland or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.~~

~~The provisions of this subsection shall not apply to any fires which may be set on federal lands.~~

- ~~(c) — Subsection (b) shall not apply to any fire set between February 15 and March 1 of each year, if:
 - ~~1. The fire is set for “prescribed burning” that is conducted in accordance with a “prescription” and managed by a “certified prescribed burn manager” as those terms are defined in Va. Code section 10.1-1150.1;~~
 - ~~2. The burn is conducted in accordance with Va. Code section 10.1-1150.4;~~
 - ~~3. The state forester has, prior to February 1, approved the prescription for the burn; and~~
 - ~~4. The burn is being conducted for one of the following purposes: (i) control of exotic and invasive plant species that cannot be accomplished at other times of the year; (ii) wildlife habitat establishment and maintenance that cannot be accomplished at other times of the year; or (iii) management necessary for natural heritage resources.~~~~

~~The state forester may on the day of any burn planned to be conducted pursuant to this subsection revoke his approval of the prescription for the burn if hazardous fire conditions exist. The state forester may revoke the certification of any certified prescribed burn manager who violates any provision of this subsection.~~

- ~~(d) — Any person who builds a fire in the open air, or uses a fire built by another in the open air, within 150 feet of any woodland, brushland or field containing dry grass or other inflammable material shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.~~

~~(e) Any person violating any of the provisions of this section shall be guilty of a Class 3 misdemeanor for each separate offense. If any forest fire originates as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the Commonwealth for the full amount of all expenses incurred by the Commonwealth in suppressing such fire. Such amounts shall be recoverable by action brought by the state forester in the name of the Commonwealth on behalf of the Commonwealth and credited to the Forestry Operations Fund.~~

~~(7) IFC Section 307.3, Location, is added:~~

~~The location of any open burning for the disposal of land clearing debris waste which has been permitted in accordance with the regulations concerning open burning issued by the Virginia Department of Environmental Quality shall not be less than 1,000 feet from an occupied dwelling or commercial building, when burning outside the PSA, and shall not be less than 2,000 feet from an occupied dwelling or commercial building when burning inside the PSA. A reduction in the burn distance from an occupied dwelling or commercial building inside the PSA and outside the PSA may be permitted by the fire official where written permission of the dwelling occupant or commercial building is obtained by the applicant for the open burn. No open burning for the disposal of land clearing debris waste shall be permitted unless the open burn is conducted in a pit approved by the fire official, with an incineration device which shall reduce smoke and ash, such as an air curtain destructor or other such incineration device as approved by the fire official.~~

~~(8) IFC Section 1404.3, Open burning, is hereby added:~~

~~Open burning of construction waste, demolition waste, refuse or any other type of waste is prohibited when located at a construction or demolition site. The removal of such waste from a construction or demolition site and the subsequent burning of the same at another location in James City County is also prohibited.~~

~~Exception: Approved open burning for the disposal of land clearing debris waste shall be allowed on construction sites when conducted in accordance with the regulations concerning open burning issued by the Virginia Department of Environmental Quality and this code.~~

~~(9) IFC Section 307.2.2, Prohibited open burning, is hereby added:~~

~~Open burning shall not be used for waste disposal purposes, the quantity of material to be burned shall not exceed five feet in any dimension, and the fuel shall be chosen to minimize the generation and emission of air contaminants.~~

~~Exception: Approved burning for forest management and agriculture practices and open burning for disposal of land clearing debris waste when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.~~

~~(10) IFC 3301.1.3 Fireworks, Exception 4 is not applicable to Chapter 9, article 1, of this code.~~

(11) ~~SFPC Section 3301.2, Permit required, is hereby added:~~

- (a) ~~Except as otherwise provided in this section it shall be unlawful for any person to transport, manufacture, assemble, store, sell, offer or display for sale, or to buy, use, possess, ignite or explode any fireworks without a permit.~~
- (b) ~~The provision of this section shall not be applicable to any organization or group of individuals which has been granted a permit by the fire official for the public or private display of fireworks, provided that such fireworks are stored, handled, transported and used in compliance with the terms and conditions of such permit.~~
- (c) ~~A permit shall be obtained from the fire official for the display or discharge of fireworks. Upon written application by an organization or association representing a fair or amusement park or by any administrator, organization or group of individuals to the county fire department, a permit may be issued for the display of fireworks; provided, that such display shall be held under proper supervision and at a location safe to persons and property. Such application shall include a description of the types of fireworks to be displayed and the location to be used to ensure the safety of those in attendance. The permittee shall furnish a bond or certificate of insurance in the amount required by section 3301.2.4.2 of the Virginia Statewide Fire Prevention Code. A permit, when issued, shall be for a stated period. No such permit shall be issued by the fire official to any organization or association or group of individuals unless the fire official is satisfied that the display will be held at an appropriate site. A member of the fire department shall, prior to the issuance of such a permit, inspect the scene for its appropriateness for the display of fireworks. An authorized member of the fire department may revoke any such permit during the display if such is conducted in any manner not in keeping with the application or in compliance with this section and the display shall thereupon be immediately stopped.~~

(12) ~~SFPC Section 3301.2.4.2, Fireworks display is amended to read:~~

~~The permit holder shall furnish a bond or certificate of insurance at a minimum amount of \$1,000,000.00 for the payment of all potential damage caused by either to the person or property due to the permitted display, and arising from any acts of the permit holder, employees, or agent of the permit holder. The property owner shall agree in writing to the bond or certificate of insurance amount prior to the permit being issued.~~

(13) ~~SFPC Section 3301.7, Seizure is amended to read:~~

~~The fire marshal or any law enforcement officer shall be authorized to seize, take, remove or cause to be removed, at the expense of the owner, all fireworks offered or exposed for display or sale, stored, possessed or held in violation of this section. Violation of this chapter is a class 1 misdemeanor.~~

~~(Ord. No. 9A-3, 11-6-89; Ord. No. 9A-4, 9-9-91; Ord. No. 9A-6, 5-4-92; Ord. No. 9A-7, 8-16-93; Ord. No. 9A-9, 12-10-96; Ord. No. 9A-10, 6-24-97; Ord. No. 9A-11, 4-27-99; Ord. No. 9A-12, 10-14-03; Ord. No. 9A-13, 6-14-05; Ord. No. 9A-15, 2-27-07)~~

Sec. 9-4. Open burning prohibitions. The fire prevention code is hereby amended, modified and changed as set out in the following subsection of this section:

1. ~~Yard waste.~~

~~(1) IFC Section 307.2.2, Prohibited open burning, is hereby added.~~

- ~~(a) Notwithstanding any other provision of this Code, open burning of yard waste by any person shall be unlawful within the county except in those areas zoned A-1, General Agriculture; provided, however, even within A-1 acres, yard waste shall not be burned in platted subdivisions consisting of five or more lots of which at least three lots have occupied dwellings or in manufactured home parks. In those areas where the open burning of yard waste is otherwise permitted, it shall be unlawful for any person to burn yard waste during the period beginning February 15 and ending April 30 of each year, except between the hours of 4:00 p.m. and 12:00 midnight.~~
- ~~(b) Open burning of yard waste performed in an area permitted in paragraph (a) shall comply with any applicable provisions of state law and this article.~~
- ~~(c) Notwithstanding paragraphs (a) and (b), open burning of yard waste shall be allowed for farming activities and pursuant to a permit for forest management and agriculture practices and open burning for disposal of land clearing refuse when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.~~

2. ~~Land clearing debris.~~

- ~~(a) Except as otherwise provided in this section, open burning of land clearing debris shall be prohibited.~~
- ~~(b) Exception: In the event of a declaration of local emergency, pursuant to Title 44, Military and Emergency Laws, of the Code of Virginia, the fire marshal may issue a permit to allow the burning of land clearing debris waste in order to protect the health, safety and welfare of the public.~~

~~(Ord. No. 9A-5, 5-4-92; Ord. No. 9A-7, 8-16-93; Ord. No. 9A-9, 12-10-96; Ord. No. 9A-10, 6-24-97; Ord. No. 9A-12, 10-14-03; Ord. No. 9A-13, 6-14-05)~~

~~State Law reference – Code of Va., §§ 27-97 and 10.1-1142.~~

Chapter 9 - Fire Protection and Emergency Services

Article I. Fire Prevention Code

Sec. 9-1. Adoption of Virginia statewide fire prevention code.

Pursuant to section 27-97 of the Code of Virginia, the Virginia Statewide Fire Prevention Code is adopted by James City County, except as otherwise modified or amended in this article, and the same is hereby incorporated fully by reference. This code shall be referred to in this chapter as the "fire prevention code" or "SFPC." The fire prevention code shall be enforced by the fire official under the direction of the fire chief. For the purposes of this chapter the fire chief shall be the head of the James City County fire department.

(Ord. No. 9A-3, 11-6-89; Ord. No. 9A-10, 6-24-97; Ord. No. 9A-12, 10-14-03; Ord. No. 9A-14, 10-11-05)

Sec. 9-2. Definitions.

The following words and terms used in this chapter and used in the fire prevention code shall have the definitions ascribed to them in this section:

Bonfire. An outdoor fire utilized for ceremonial purposes.

Fire official. The fire marshal of the county or his duly authorized representative. For the purposes of this code, the term code official shall also mean fire official.

Fireworks. Any item known as a firecracker, torpedo, skyrocket or other substance or thing, of whatever form or construction, that contains any explosive or flammable 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. The term "fireworks" shall also include pinwheels, sparklers, fountains or Pharaoh's serpents. The term "fireworks" shall not include auto flares or caps for pistols.

Household debris. Includes household paper and cardboard products only. Household debris does not include trash, tires, plastic, paint, creosote-treated wood, metal, liquids, compressed gases, pressure-treated materials, glass, or yard waste.

Jurisdiction. The County of James City, Virginia.

Land clearing debris. Any waste generated by the removal of natural debris, stumps, logs, trees, wood, or brush from any site in preparation for a land disturbing or building project requiring a permit.

Legal department of the jurisdiction. The county attorney, and his deputies and assistants, or an attorney appointed by the board of supervisors to represent the county in legal matters.

Local governing body. The James City County Board of Supervisors.

Primary service area. The primary service area (PSA) is the area as defined in Chapter 24, Article I, Section 24-2 of this code.

Recreational fire. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

Yard waste. Include leaves, brush, grass, scrub vegetation, bushes, and twigs or branches.

(Ord. No. 9A-3, 11-6-89; Ord. No. 9A-7, 8-16-93; Ord. No. 9A-10, 6-24-97; Ord. No. 9A-12, 10-14-03; Ord. No. 9A-13, 6-14-05)

Sec. 9-3. Amendments to the SFPC.

The fire prevention code is amended, modified and changed as set out in the following subsections.

a) *Permits (amendments to SFPC Section 107.2).*

- 1) *Permits shall be obtained, when required, from the fire official. Permits shall be available at all times on the premises designated in the permit for inspection of the fire official. Fees for such permits, and for inspections, shall be in such amounts as are from time to time established by resolution of the board of supervisors.*
- 2) *In addition to mandatory permits for explosives and blasting agents, the county shall require fees and permits issued as a part of the Statewide Fire Prevention Code for the following:*
 - a. *Fireworks - \$100.00 per event or \$200.00 per calendar year (at same site with similar displays) for fireworks.*
 - b. *Open burning of debris waste as a result of land clearing - \$50.00 for each permit.*
 - c. *Open burning of refuse as a result of agricultural and forestal management practices - \$50.00 for each permit.*
 - d. *Bonfires - \$25.00 for each permit.*
 - e. *Explosives and blasting agents - \$250.00 for each permit.*

b) *Recreational Fires and Open Burning.*

- 1) *Recreational Fires. Recreational fires are permitted in the county but shall not be conducted within 25 feet of a structure or combustible material.*
- 2) *Yard Waste (amendment to SFPC Section 307.1.1). Burning of yard waste is prohibited within the county except in those areas zoned A-1, General Agriculture; provided, however, even within areas zoned A-1, yard waste shall not be burned in platted subdivisions, excluding family subdivisions, or in manufactured home parks. Yard waste shall be burned in piles no larger than 5 feet x 5 feet x 5 feet.*

Open burning of yard waste shall be allowed for farming activities and pursuant to a permit for forest management and agriculture practices and open burning for disposal of land clearing debris when conducted in accordance with regulations concerning open burning issued by the Virginia Department of Environmental Quality.

- 3) *Household Debris (amendment to SFPC Section 307.1.1). Burning of household debris is permitted in the county but shall not be conducted within 25 feet of a structure or combustible material. Burning of household debris shall be contained in a burn barrel or a similar apparatus. The quantity of material to be burned shall not exceed two feet in any dimension, and the fuel shall be chosen to minimize the generation and emission of air contaminants. Open burning shall not be used for waste disposal purposes.*
- 4) *Land Clearing Debris (amendment to SFPC Section 307.1.1). Burning of land clearing debris is prohibited within the county unless permitted by the fire official. A permit shall be obtained from the fire official for the burning of land clearing debris.*

The location of any open burning for the disposal of land clearing debris waste which has been permitted in accordance with the regulations concerning open burning issued by the Virginia Department of Environmental Quality shall not be less than 1,000 feet from an occupied dwelling or commercial building, when burning outside the PSA, and shall not be less than 2,000 feet from an occupied dwelling or commercial building when burning inside the PSA. A reduction in the burn distance from an occupied dwelling or commercial building inside the PSA and outside the PSA may be permitted by the fire official where written permission of the dwelling occupant or commercial building is obtained by the applicant for the open burn. No open burning for the disposal of land clearing debris waste shall be permitted unless the open burn is conducted in a pit approved by the fire official, with an incineration device which shall reduce smoke and ash, such as an air curtain destructor or other such incineration device as approved by the fire official.

Exception: In the event of a declaration of local emergency, pursuant to Title 44, Military and Emergency Laws, of the Code of Virginia, the fire marshal may issue a permit to allow the burning of land clearing debris waste in order to protect the health, safety and welfare of the public.

- 5) *Construction Waste (amendment to SFPC Section 3304.3). Burning of construction waste, demolition waste, refuse or any other type of waste is prohibited when located at a construction or demolition site. The removal of such waste from a construction or demolition site and the subsequent burning of the same at another location in the county is also prohibited.*
- 6) *Bonfires. Bonfires are prohibited within the county unless permitted by the fire official. A permit shall be obtained from the fire official for a bonfire. Recreational fires as defined in the article are not bonfires.*
- 7) *Hazardous conditions (amendment to SFPC Section 307.1.1). Burning is prohibited within the county when atmospheric conditions or local circumstances make such fires hazardous. In all cases, the fire official may order the extinguishment of fires that create or contribute to a hazardous or objectionable condition.*
- 8) *Restrictions (amendment to SFPC Section 307.1.1 in accordance with Va. Code section 10.1-1142).*
 - 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 inflammable material upon such land unless he previously has 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 lands other than those owned or leased by him. It shall also be unlawful for any employee of any 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 inflammable material, upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land.*
 - b. *During the period beginning February 15 and ending April 30 of each year it shall be unlawful in this county for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris or field containing dry grass or other*

inflammable material capable of spreading fire located in or within 300 feet of any woodland, brushland or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.

The provisions of this subsection shall not apply to any fires which may be set to prevent damage to orchards or vineyards by frost or freezing temperatures or be set on federal lands.

c. Subsection B shall not apply to any fire set during the period beginning February 15 through April 30 of each year, if:

1. The fire is set for "prescribed burning" that is conducted in accordance with a "prescription" and managed by a "certified prescribed burn manager" as those terms are defined in § 10.1-1150.1;

2. The burn is conducted in accordance with Va. Code § 10.1-1150.4;

3. The State Forester has, prior to February 1, approved the prescription for the burn; and

4. The burn is being conducted for one of the following purposes: (i) control of exotic and invasive plant species that cannot be accomplished at other times of the year, (ii) wildlife habitat establishment and maintenance that cannot be accomplished at other times of the year or, (iii) management necessary for natural heritage resources.

The State Forester may on the day of any burn planned to be conducted pursuant to this subsection revoke his approval of the prescription for the burn if hazardous fire conditions exist. The State Forester may revoke the certification of any certified prescribed burn manager who violates any provision of this subsection.

d. Any person who builds a fire in the open air, or uses a fire built by another in the open air, within 150 feet of any woodland, brushland or field containing dry grass or other inflammable material shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.

e. Any person violating any provisions of this section shall be guilty of a Class 3 misdemeanor for each separate offense. If any forest fire originates as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the Commonwealth for the full amount of all expenses incurred by the Commonwealth in suppressing such fire. Such amounts shall be recoverable by action brought by the State Forester in the name of the Commonwealth on behalf of the Commonwealth and credited to the Forestry Operations Fund.

c) Appeals (amendment to SFPC Section 112.1).

1) The James City County Board of Building Code Appeals is hereby constituted as and shall serve as the James City County Board of Fire Prevention Code Appeals.

2) *The chairman of the James City County Board of Building Code Appeals shall also serve as chairman of the James City County Board of Fire Prevention Code Appeals.*

d) *Fireworks (amendments to SFPC Chapter 56).*

1) *Permit required (amendment to SFPC Section 5601.2).*

- a. *Except as otherwise provided in this section it shall be unlawful for any person to transport, manufacture, assemble, store, sell, offer or display for sale, or to buy, use, possess, ignite or explode any fireworks without a permit from the fire official.*
- b. *The provision of this section shall not be applicable to any organization or group of individuals which has been granted a permit by the fire official for the public or private display of fireworks, provided that such fireworks are stored, handled, transported and used in compliance with the terms and conditions of such permit.*
- c. *A permit shall be obtained from the fire official for the display or discharge of fireworks. Upon written application by an organization or association representing a fair or amusement park or by any administrator, organization or group of individuals to the county fire department, a permit may be issued for the display of fireworks; provided, that such display shall be held under proper supervision and at a location safe to persons and property. Such application shall include a description of the types of fireworks to be displayed and the location to be used to ensure the safety of those in attendance. A permit, when issued, shall be for a stated time period. No such permit shall be issued by the fire official to any organization or association or group of individuals unless the fire official is satisfied that the display will be held at an appropriate site. A member of the fire department shall, prior to the issuance of such a permit, inspect the scene for its appropriateness for the display of fireworks. An authorized member of the fire department may revoke any such permit during the display if such is conducted in any manner not in keeping with the application or in compliance with this section and the display shall thereupon be immediately stopped.*

2) *Bond for fireworks display (amendment to SFPC Section 5601.2.4).*


The permit holder shall furnish a bond or certificate of insurance at a minimum amount of \$1,000,000.00 for the payment of all potential damage caused by either to the person or property due to the permitted display, and arising from any acts of the permit holder, employees, or agent of the permit holder. The property owner shall agree in writing to the bond or certificate of insurance amount prior to the permit being issued.

3) *Seizure (amendment to SFPC Section 5601.7).*

The fire marshal or any law enforcement officer shall be authorized to seize, take, remove or cause to be removed, at the expense of the owner, all fireworks offered or exposed for display or sale, stored, possessed or held in violation of this section. Violation of this chapter is a class 1 misdemeanor.

- 4) *The possession, manufacture, storage, sale, handling and use of fireworks specified in SFPC Section 5601.1.3, Exception 4, including whirligigs, sparklers, etc., is prohibited within the county (amendment to SFPC Section 5601.1.3).*

State Law reference - 13 Virginia Administrative Code 5-51-Virginia Statewide Fire Prevention Code.



Michael J. Hipple
Chairman, Board of Supervisors

ATTEST:



Teresa J. Fellows
Deputy Clerk to the Board

	VOTES		
	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
SADLER	<u>Absent</u>	___	___
ICENHOUR	<u>✓</u>	___	___
LARSON	<u>✓</u>	___	___
MCGLENNON	<u>✓</u>	___	___
HIPPLE	<u>✓</u>	___	___

Adopted by the Board of Supervisors of James City County, Virginia, this 11th day of May, 2021.

AmdCCCh9-1FirePrev-ord