

## Chapter 83

### BURNING, OPEN

**[HISTORY: Adopted by the Town Council of the Town of Pennington Gap 12-17-2001. Amendments noted where applicable.] [Amended 7-17-2017]**

**[Amended 83-4 on December 21,2020]**

#### GENERAL REFERENCES

**Nuisances — See Ch. 129.**

**Property maintenance — See Ch. 136.**

**Solid waste — See Ch. 148.**

#### **§ 83-1. Title.**

This chapter shall be known as the “Town of Pennington Gap, Virginia Ordinance for the Regulation of Open Burning.”

#### **§ 83-2. Purpose.**

The purpose of this chapter is to protect public health, safety, and welfare by regulating open burning within the Town of Pennington Gap, Virginia to achieve and maintain, to the greatest extent practicable, a level of air quality that will provide comfort and convenience while promoting economic and social development. This chapter is intended to supplement the applicable regulations promulgated by the State Air Pollution Control Board and other applicable regulations and laws.

#### **§ 83-3. Definitions.**

For the purpose of this chapter and subsequent amendments or any orders issued by the Town of Pennington Gap, Virginia, the words or phrases shall have the meaning given them in this section.

**AUTOMOBILE GRAVEYARD** —% Any lot or place which is exposed to the weather and upon which more than five motor vehicles of any kind, incapable of being operated, and which it would not be economically practical to make operative, are placed, located or found.

**CLEAN-BURNING WASTE** —% Waste, which does not produce dense smoke when burned and is not prohibited to be burned under this chapter.

**CONSTRUCTION WASTE** —% Solid waste, which is produced or generated during construction of structures. Construction waste consists of 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, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

**DEBRIS WASTE** —% Stumps, wood, brush, and leaves from land clearing operations.

**DEMOLITION WASTE** —% Solid waste which is produced by the destruction of structures and their foundations and includes the same materials as construction waste.

**GARBAGE** —% Rotting animal and vegetable matter accumulated by a household in the course of ordinary day-to-day living.

**HAZARDOUS WASTE** —% Refuse or a combination of refuse which, because of its quantity, concentration or physical, chemical or infectious characteristics, may:

- A. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating illness; or
- B. Pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

**HOUSEHOLD REFUSE** —% Waste material and trash normally accumulated by a household in the course of ordinary day-to-day living.

**INDUSTRIAL WASTE** —% All waste generated on the premises of manufacturing and industrial operations such as, but not limited to, those carried on in factories, processing plants, refineries, slaughterhouses, and steel mills.

**JUNKYARD** —% An establishment or place of business, which is maintained, operated, or used for storing, keeping, buying, or selling junk, or for the maintenance or operation of an automobile graveyard, and the term shall include garbage dumps and sanitary fills.

**LANDFILL** —% A sanitary landfill, an industrial waste landfill, or a construction/demolition/debris landfill. See Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) for further definitions of these terms.

**LOCAL LANDFILL** —% Any landfill located within the jurisdiction of a local government.

**OPEN BURNING** —% The burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without passing through a stack, duct or chimney.

**OPEN PIT INCINERATOR** —% A device used to burn waste for the primary purpose of reducing the volume by removing combustible matter. Such devices function by directing a curtain of air at an angle across the top of a trench or similarly enclosed space, thus reducing the amount of combustion by-products emitted into the atmosphere. The term also includes trench burners, air curtain destructors and over draft incinerators.

**REFUSE** —% Trash, rubbish, garbage and other forms of solid or liquid waste, including, but not limited to, wastes resulting from residential, agricultural, commercial, industrial, institutional, trade, construction, land clearing, forest management and emergency operations.

**SALVAGE OPERATION** —% Any operation consisting of a business, trade or industry participating in salvaging or reclaiming any product or material, such as, but not limited to, reprocessing of used motor oils, metals, chemicals, shipping containers or drums, and specifically including automobile graveyards and junkyards.

**SANITARY LANDFILL** —% An engineered land burial facility for the disposal of household waste which is so located, designed, constructed, and operated to contain and isolate the waste so that it does not pose a substantial present or potential hazard to human health or the environment. A sanitary landfill also may receive other types of solid

wastes, such as commercial solid waste, nonhazardous sludge, hazardous waste from conditionally exempt small quantity generators, and nonhazardous industrial solid waste. See Solid Waste Management Regulations (9 VAC 20-80-10 et seq.) for further definitions of these terms.

**SMOKE** —% Small gas-borne particulate matter consisting mostly, but not exclusively, of carbon, ash and other material in concentrations sufficient to form a visible plume.

**SPECIAL INCINERATION DEVICE** —% A pit incinerator, conical or teepee burner, or any other device specifically designed to provide good combustion performance.

**RECREATIONAL BURNING** – Recreational burning is defined as a camp fire or other fires that area used solely for recreational purposes, however, the fire must be in a fire pit either created especially for the purpose or in a commercially purchased fire pit, chimineas or gas/propane burner. It shall not include burning in a barrel or other device not intended for use as a fire containment device. Fuel used for the fire must be wood, charcoal or gas/propane. None of the fuel used for the fire may be household waste or papers.

**NONCOMMERCIAL PREPARATION OF FOOD** – Noncommercial preparation of food must be on a purchased grill or over a device or fire as described in the Recreational Burning definition. Fuel used for the fire must be wood, charcoal or gas/propane. None of the fuel used for the fire may be household waste or papers.

**§ 83-4. Prohibitions on open burning.**

No open burning allowed in Town limits.

**§ 83-5. Exemptions.**

The following activities are exempted to the extent covered by the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution:

- A. Open burning for training and instruction of government and public fire fighters under the supervision of the designated official and industrial in-house fire-fighting personnel;
- B. Open burning for campfires or other fires that are used solely for recreational purposes, for ceremonial occasions, for outdoor noncommercial preparation of food, and for warming of outdoor workers;
- C. Open burning for the destruction of any combustible liquid or gaseous material by burning in a flare or flare stack;
- D. Open burning for forest management and agriculture practices approved by the State Air Pollution Control Board; and
- E. Open burning for the destruction of classified military documents.

**§ 83-6. Violations and penalties.**

- A. Any violation of this chapter is punishable as a Class 1 misdemeanor. (See § 15.2-1949 of the Code of Virginia.)
- B. Each separate incident may be considered a new violation.