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Caroline County, VA



**AN ORDINANCE TO AMEND CHAPTER 7 EMERGENCY SERVICES;
§§ 15.1 THROUGH 15-12 AND § 15-20 OF CHAPTER 15 PUBLIC SAFETY;
§ 50-2 OF CHAPTER 50 FIREWORKS; §51-1 OF CHAPTER 51 FEES FOR
EMERGENCY MEDICAL SERVICES AND AMBULANCE TRANSPORT; §
53-1 OF CHAPTER 53 HAZARDOUS MATERIALS; §§ 72-6 AND 72-7 OF
CHAPTER 72 OPEN BURNING OF THE CODE OF CAROLINE COUNTY
TO SET FORTH THE DUTIES AND RESPONSIBILITIES OF THE FIRE-
EMS CHIEF**

WHEREAS the County of Caroline has recently created a new position of Fire-EMS Chief; and

WHEREAS this position carries with it certain responsibilities and duties regarding emergency services, other services and the Fire Department and Rescue Squad; and

WHEREAS these responsibilities and duties require certain amendments to the County Code; and

WHEREAS the Board of Supervisors of Caroline County, Virginia, has determined that these amendments to the Code are in the best interest of the County and will serve the general welfare and protect the citizens of Caroline County;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Caroline County, Virginia, that:

The Code of Caroline County is hereby amended and reordained so that Chapter 7; §§ 15-1 through 15-12 and § 15-20 of Chapter 15; § 50-2 of Chapter 50; §51-1 of Chapter 51; § 53-1 of Chapter 53; §§ 72-6 and 72-7 of Chapter 72 read as follows:

"Committed To Service, Dedicated To The People"

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CHAPTER 7 EMERGENCY SERVICES

§ 7-1 Organization

The County will organize services in the case of an emergency as outlined in § 44-146.13 et seq. of the Code of Virginia, the Emergency Services and Disaster Law. In the case of an emergency, the County Administrator shall act as Director of Emergency Management and the Fire – EMS Chief as defined in §15.2 of this Code shall act as the Coordinator of Emergency Management.

CHAPTER 15 PUBLIC SAFETY

ARTICLE I Fire Departments and Rescue Squads

§ 15-1 Establishment.

The Caroline County Department of Fire – Rescue and Emergency Management ("the Department") is hereby established. This Department shall provide all fire and emergency medical services and services related to civilian protection and evacuation in disasters and emergencies. The Department shall also be responsible for administration of local, state and federal emergency response, assistance and recovery programs within the County.

§ 15-2 Definitions.

Board means the Board of Supervisors of Caroline County, Virginia.

As used in this chapter, unless the context requires a different meaning:

Caroline County Department of Fire – Rescue and Emergency Management (the Department) shall mean all paid, career, volunteer, auxiliary and other persons and/or entities providing emergency services in the County.

CCEUO means the Caroline County Emergency Units Organization which includes the highest-ranking operational leader, or their designee, of each of the volunteer organizations.

Chief means the head of the Caroline County Department of Fire – Rescue and Emergency Management, appointed as set forth in §15-6(a) below, and as otherwise described in Virginia Code § 27-6.1.

County means Caroline County, Virginia

ESC or Commission means the Caroline County Emergency Services Commission, as appointed by the Board.

Fire/Rescue Personnel means emergency responder volunteer and career fire/rescue county employees.

Rescue squad means a volunteer rescue squad or emergency medical services organization organized within Caroline County pursuant to Virginia Code § 32.1-111.1 et seq. Each individual squad shall be organized within the county, subject to approval by the Board pursuant to Virginia Code § 15.2-955.

Volunteer means a member of the fire-rescue Department who serves without pay and whose name has been duly certified to the Circuit Court Clerk of Caroline County by the corporate secretary of such volunteer fire company or rescue squad as an active member thereof and who has been approved by the Chief as provided in § 15-6(e).

Volunteer Fire Company or Volunteer Rescue Squads means a volunteer fire-fighting or emergency medical services (EMS) organization, established with the approval of the Board as regulated hereunder, consisting of firefighters or emergency medical services personnel, or both and more particularly identified in Section 15-3.

§ 15-3 Composition.

The Department shall be composed of the career officials and staff, and the following Volunteer Fire Companies and Volunteer Rescue Squads, which are an integral part of the official safety program of the county: Bowling Green Volunteer Fire Department, Ladysmith Volunteer Fire Department, Port Royal Volunteer Fire Department, Sparta Volunteer Fire Department, Frog Level Volunteer Fire Department, Upper Caroline Volunteer Fire Department, Bowling Green Volunteer Rescue Squad, Ladysmith Volunteer Rescue Squad, Frog Level Volunteer Rescue Squad.

Despite being an integral part of the safety program of the County, the Volunteer Fire Companies and Volunteer Rescue Squads are not departments of the County and the Volunteer Fire Companies and Volunteer Rescue Squad members are not employees of the County.

§ 15-3.1 By-Laws.

All of the above listed Volunteer Fire Companies or Volunteer Rescue Squads agencies under this chapter shall establish and maintain bylaws, which shall promote its objectives consistent with state law and the County Code.

§ 15-4 Responsibilities of Department.

- (a) The Department shall be responsible for regulating and managing the provision of pre-hospital emergency patient care and services and for regulating providers of the non-emergency transportation of patients requiring medical services.
- (b) The Department shall be responsible for regulating and managing the provision of fire suppression services, and for provision of services related to hazardous materials and similar hazards which pose a threat to life and property.
- (c) The Department shall also be responsible for any additional related services which are necessary for the provision of fire and emergency medical services.
- (d) The Department shall be responsible for a comprehensive all-hazards emergency management program, which may include, but not be limited to, emergency preparedness, response, recovery, and mitigation.

~~§~~15-5 Caroline County Emergency Services Commission

The Board is hereby authorized to, and may in its discretion, establish a Caroline County Emergency Services Commission (ESC) as an advisory body to the Chief by adoption of a resolution setting forth a charter of such commission, their terms of office, the duties and authority of the commission, and such other matters as the Chief may determine and set forth therein.

§15-6. Leadership

- (a) The County Administrator shall appoint the Chief of the Department, with the advice of the Board. The appointed Chief shall be both the operational and administrative head of the Department. References to the Chief in this chapter shall include his or her designees.
- (b) The Chief may delegate his or her authority to other officials and staff of the Department.
- (c) The Chief shall establish, publish, and enforce Departmental regulations for the administration and operation of the Department.

These regulations shall apply to all personnel, both career and volunteer. Such regulations shall implement this chapter, but may establish additional, and more stringent, requirements for the internal operation of the Department. No county or Departmental regulations or directives can waive the requirements of federal, state, or other local laws or regulations, including those related to licensing. Regulations and policy shall at a minimum:

- Establish minimum training requirements;
 - Establish standard operating procedures;
 - Establish apparatus needs to ensure adequate emergency response capabilities;
 - Establish response zones/districts and dispatch algorithms to ensure adequate emergency response; and
 - Establish guidelines for the efficient management of all revenue recovery programs.
- (d) The Chief shall formulate and recommend the budget of each Volunteer Fire Company or Rescue Squad agency to the County Administrator. The Chief shall approve the expenditure of any County, State, or Federal budgeted funds in accordance with County finance policies. The Volunteer Fire Company or Rescue Squad agencies have the right to engage in fund raising activities and/or solicit donations. Expenditure of these funds will be at the discretion of the Volunteer Fire Company or Volunteer Rescue Squad consistent with the organization's mission.
- (e) The Chief shall lead a coordinated volunteer recruitment and retention program. The Chief shall review and approve new volunteer applicants for the Department.
- (f) The Chief, with the approval of the County Administrator, shall hire, appoint and terminate career officers and staff using the guidelines and procedures set forth by the County.
- (g) In the interest of the public welfare and safety, the Chief shall review the criminal history records, if any exist, of applicants for employment and for volunteer service in the Department. The Chief shall periodically review the criminal history records, if any exist, of incumbents. These reviews will determine if the past conduct of any person would bar employment or service with the Department. When

in the sole judgment of the Chief a criminal history report contains such information that the opportunity for employment or volunteer service should be denied, that person will not be hired or accepted into the volunteer service. If that person is currently employed or serving as a volunteer, the Chief shall immediately suspend that person from operational duty, and that person may be dismissed from the Department, per section §15.7.

- (h) In the interest of the public welfare and safety, the Chief shall review the department of motor vehicle records of applicants for employment and for volunteer service in the Department. The Chief shall periodically review the department of motor vehicle records of incumbents. These reviews will determine if the past conduct of any person would bar employment or service with the Department. When in the sole judgment of the Chief a driving history report contains such information that the opportunity for employment or service should be denied, that person will not be hired or accepted into the volunteer service. If that person is currently employed or serving as a volunteer, the Chief shall immediately suspend that person from driving duty, and that person may be dismissed from the Department, per section §15.7.
- (i) The Chief may appoint such principal deputies or assistants as the County Administrator may approve. Deputies and assistants may perform any of the duties of the Chief, when authorized by the Chief.
- (j) The Chief shall lead the planning for, training and preparation for, and response to any disaster that occurs in the County and that requires implementation of the county's emergency response plan. The Chief shall so serve, as the coordinator of emergency management and services for all purposes related to response to disasters pursuant to Title 44 of the Virginia Code. The Chief shall create and file with the clerk of the Board an orderly succession of command designating those persons, whether by title or by name, who shall succeed him or her in the event he is unable to perform his duties as coordinator of emergency management.
- (k) The Chief, on behalf of the Board, shall have authority to negotiate the terms of agreements for mutual aid and provision of services related to hazardous materials, rescue, fire suppression, investigation, medical services, or other emergency response services deemed necessary in his or her judgment, for events exceeding the emergency response capabilities of an individual locality or government agency. The County Administrator shall approve all such agreements prior to the Chief entering into and implementing such agreement.

- (l) After an official declaration of a disaster or emergency, the Chief shall have the authority to contract on behalf of the County and to expend necessary funds to provide for the public safety during such events, in accordance with applicable laws and regulations.
- (m) The Chief shall be the point of contact for the County for all matters relating to the provision of fire, EMS, and emergency-disaster response.
- (n) Advisors to the Chief (Community). The Emergency Services Commission shall serve as the community advisory body to the Chief. The commission shall serve as a liaison between Chief and the citizens of the community to improve communications, receive suggestions, complaints, and make specific recommendations for improvement to the Chief. The commission shall consult with and advise the Chief on matters of public concern and may be assigned special projects to enhance public safety throughout the community.
- (o) Advisors to the Chief (Operational). The Caroline County Emergency Units Organization (CCEUO), which includes the highest-ranking operational leader, or their designee, of each of the volunteer organizations, shall serve as operational advisors to the Chief. This group shall consult with and advise the Chief before the issuance of any Departmental policies or regulations. Following consultation, the Chief in his or her sole discretion may issue those Departmental policies or regulations that he or she deems necessary.

§ 15.7. Compliance with regulations and policies; penalties.

- (a) All deputies, officers, staff, and volunteers shall comply with Department regulations and directives as a condition of employment with or volunteer service in the Department.
- (b) Upon an allegation of a breach of Department regulations or directives, the Chief shall have the authority to suspend the accused volunteer member, officer, or company/squad from duty, pending an investigation. If the investigation substantiates the allegation, the Chief, after consultation with the company/squad officers, may suspend from duty, terminate the—volunteer service of any individual, or make recommendation to the Board of Supervisors to revoke the authority of the company/squad to operate as an emergency medical service provider or as a fire service provider in the County to protect the public safety.

- (c) Upon an allegation of a breach of Department regulations or directives, Career employees shall be subject to disciplinary action as per established County personnel policies.
- (d) Career employees shall use the County's existing grievance policy to seek review of the Chief's decision. Volunteer personnel shall not be allowed to grieve, but shall be allowed to file a petition to appeal the disciplinary action to the County Administrator. The County Administrator may determine the volunteer's appeal at his/her sole discretion.

§ 15.8. Volunteer services.

- (a) Volunteer Fire Companies and Rescue Squads may be formed, named, and dissolve upon the approval of the Board. If formed, volunteer fire/EMS companies shall comply with the applicable statutes, this chapter, and Department regulations.
- (b) Volunteer Fire Companies and Rescue Squads shall be properly incorporated and thereafter shall properly maintain their corporate status. Volunteer Fire Companies and Rescue Squads shall file a copy of their articles of incorporation, by-laws, any corporate resolutions, minutes of the Board of Directors and annual corporate report with the Chief. The County shall neither approve or disapprove of any corporate action by the volunteer fire companies and rescue squads and shall accept these documents only in verification of their corporate status.
- (c) The corporate secretary of each volunteer fire company or rescue squad shall submit to the Chief a list of the active members thereof on September 1 of each year. On the first of each month, the corporate secretary of each volunteer fire company or rescue squad shall submit to the Chief any additions or deletions to the active membership of that volunteer fire company or rescue squad.

ARTICLE II Cadet and Junior Fire Fighters (§ 15-9 — § 15-12)

§ 15-9 Cadet fire fighters.

Minors 14 and 15 years of age shall be designated as "cadet fire fighters." Cadet fire fighters may participate in company fundraising events and work with senior members in conducting station maintenance and equipment details and all associated activities in accordance with regulations developed by the Department. They shall not participate in any operations being conducted at the scene of fire and EMS emergencies. They shall not

participate in any hazardous materials response. The Chief will ensure that all prospective cadet applications are endorsed by a parent or legal guardian giving approval for the minor under their care to participate in the cadet program. Cadet fire fighters shall maintain passing grades in school.

§ 15-10 Junior fire fighters.

(a) Minors 16 and 17 years of age shall be designated as "junior fire fighters." Junior fire fighters may participate in company activities in accordance with regulations developed by the Department. Junior fire fighters who have successfully completed certification training at the National Fire Protection Association Standard 1001, Fire fighter I standards, may enter a burning structure when they have been approved to do so by the Officer-In-Charge of the fire scene and when they are accompanied by a senior fire fighter. Junior fire fighters may participate in fighting outside fires as long as they have senior fire fighter supervision.

(b) The Chief will ensure that all prospective junior applications are endorsed by a parent or legal guardian giving approval for the minor under their care to participate in the junior fire fighter program. Junior fire fighters shall maintain passing grades in school.

§ 15-11 Certification to participate.

Only minors certified as eligible by the Chief pursuant to Department regulations may participate. No minor shall participate in any activity prohibited by Department regulations or by regulations of the State Department of Labor and Industry.

§ 15-12 Records; noncertified persons prohibited to participate.

The Chief shall maintain records of those minors certified to be cadet/junior fire fighters. The Chief and all company line officers shall not permit a minor not certified pursuant to this section to participate in the activities of the fire company.

ARTICLE III Reimbursement of Expenses

§ 15-20 Reimbursement of expenses incurred in responding to DUI incidents and other traffic incidents

(a) Any person convicted of violating any of the following provisions of the State Code shall be liable for restitution at the time of sentencing to the County for reasonable expenses incurred by the County for responding law enforcement, firefighting, rescue and emergency services,

including by the County's Sheriff Office, the Department of Fire-Rescue and Emergency Management when providing an appropriate emergency response to any accident or incident relating to such violation:

- 1) The provisions of § 18.2-51.4, 18.2-266, 18.2-266.1, 29.1-738, 29.1-738.02, or a similar ordinance, when such operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of the accident or incident.
- 2) The provisions of Article 7 (§ 46.2-852 et seq.) of Chapter 8 of Title 46.2 relating to reckless driving, when such reckless driving is the proximate cause of the accident or incident;
- 3) The provisions of Article 1 (§ 46.2-300 et seq.) of Chapter 3 of Title 46.2 relating to driving without a license or driving with a suspended or revoked license; and
- 4) The provisions of § 46.2-894 relating to improperly leaving the scene of an accident.

- (b) Personal liability under this section for reasonable expenses of an appropriate emergency response shall not exceed \$1,000 in the aggregate for a particular accident or incident occurring in the County.
- (c) In determining the "reasonable expenses," the County may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, rescues, and emergency medical services.
- (d) The court may order as restitution the reasonable expenses incurred by the County for responding law enforcement, firefighting, rescue and emergency medical services.
- (e) The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the County to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving, operation of a vehicle or other conduct as set forth herein.
- (f) The Department of Fire-Rescue and Emergency Management and the Sheriff's Office shall compile a report of the reasonable expenses of the appropriate emergency response for each accident or incident as requested by the Office of the Commonwealth Attorney for the County.

CHAPTER 50 FIREWORKS

§ 50-1 Use prohibited.

Except as otherwise provided in this chapter, it shall be unlawful for any person, firm or corporation to transport, manufacture, store, sell, offer for sale, expose for sale or to buy, use to ignite or explode any firecracker, torpedo, pyrotechnic, skyrocket or other substance or thing, of whatever form or construction, that contains nitrates, chlorites, oxalates, sulphides of lead, barium, antimony, nitroglycerin, phosphorus or any other explosive or inflammable compound or substance, and is intended or commonly known as "fireworks."

§ 50-2 Permits.

Upon application, in writing, to the Fire-EMS Chief as defined in §15-2 of this Code, permits for the display of fireworks within the County may be issued to fair associations, amusement parks or civic or religious groups and groups of individuals. After such permit has been issued, sales of fireworks may be made for use under the permit, and the association, organization or group to which it is issued may make use of such fireworks under the terms and conditions of the permit. Such permit shall state the date, time and geographic location at which such fireworks display is to be held, in order to provide county staff, including fire and EMS personnel and law enforcement personnel, with notice of the details of such fireworks display. Such permit shall not be issued unless the applicant association, organization or group provides a bond or other financial guaranty in the amount of not less than \$200,000 available to cover any damages resulting from such fireworks display. The issuance of any such permit by the county is made solely under the authority granted by § 59.1-144 of the Code of Virginia and shall not constitute approval or sponsorship in any manner of the permitted fireworks display.

§ 50-3 Applicability; exemptions.

(a) This chapter shall have no application to any officer or member of the armed forces of the commonwealth or of the United States while acting within the scope of his authority and duties as such, nor to any offer of sale or sale of fireworks to any authorized agent of such armed forces; nor shall it be applicable to the sale or use of materials or equipment, otherwise prohibited by this section, which such materials or equipment is used or is to be used by any person for signaling or other emergency use in the operation of any boat, railroad train or other vehicle for the transportation of persons or property.

(b) This section shall not apply to the use or the sale of sparklers, fountains, Pharaoh's serpents, caps for pistols, or to pinwheels commonly known as "whirligigs" or "spinning jennies"; provided, however, that the fireworks listed in the preceding sentence may only be used, ignited or exploded on private property with the consent of the owner of such property.

§ 50-4 Violations and penalties.

Any person who violates any provision of this chapter shall be guilty of a Class 1 misdemeanor.

CHAPTER 51 FEES FOR EMERGENCY MEDICAL SERVICES AND AMBULANCE TRANSPORT

§51-1. Service fees for emergency medical services and ambulance transport.

- (a) Basic Life Support (BLS), Advanced life support level 1 (ALS-I), and Advanced life support level 2 (ALS-2) shall be those services as defined by applicable federal or state Medicare and/or Medicaid regulations and shall be administered in accordance with applicable law.
- (b) Ground transport mileage (GTM) shall be assessed from the location of the point where medical services are provided or where the patient is picked up for transportation or transfer to a hospital or other facility, whichever is the further distance.
- (c) The schedule of fees and rates for emergency medical services shall be set by the Board of Supervisors and remain in effect thereafter until revised or amended as provided for herein.
- (d) The schedule of rates referenced above in paragraph C shall be reviewed on an annual basis and may be revised when the County's annual budget is adopted by setting forth the revised rates and fees in such budget.
- (e) The Fire – EMS Chief is hereby authorized and directed to establish policies and procedures, and to execute and maintain documentation necessary for the administration of this program, including, but not limited to, a subscription program for County residents or other eligible persons and payment plans for those persons who demonstrate economic hardship, as permitted by applicable law.

CHAPTER 53 HAZARDOUS MATERIALS

§ 53-1 Payment of cleanup costs.

Whenever any fire Department or rescue squad responds to an incident involving hazardous materials, as defined by § 18.2-278.1 of the Code of Virginia 1950, as amended, the Caroline County Department of Fire – Rescue and Emergency Management shall, at the conclusion of the incident, present a statement to the person(s) or company(s) who was found to be responsible for the spill or release of hazardous materials, to include all costs or charges for the hazard mitigation services provided by the fire and EMS units serving in Caroline County. All billing will be handled by the Fire – EMS Chief. Charges will include but not be limited to replacement costs for non-reusable supplies and equipment, as well as a daily charge for the use of fire and EMS vehicles. A list of equipment and those supplies expended during the course of the event and their cost of replacement will be supplied to the spilling party at his/her request.

CHAPTER 72 OPEN BURNING REGULATIONS

§ 72-6 Permissible open burning.

- (a) Open burning is permitted on-site for the destruction of leaves and tree, yard and garden trimmings located on the premises of private property, provided that the conditions are met:
- 1) The burning takes place on the premises of the private property;
 - 2) The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; and
 - 3) The responsible party notifies the Caroline County Communications of the date, time and location of the open burning.
- (b) Open burning is permitted on-site for the destruction of household waste by homeowners or tenants, provided that the following conditions are met:
- 1) The burning takes place on the premises of the dwelling;
 - 2) Animal carcasses or animal wastes are not burned;
 - 3) Garbage is not burned;
 - 4) The location of the burning is not less than 300 feet from any occupied building unless the occupants have given prior

permission, other than a building located on the property on which the burning is conducted; and

- 5) The responsible party notifies Caroline County Communications of the date, time and location of the open burning.

(c) Open burning is permitted on-site for destruction of debris waste resulting from property maintenance, from the development or modification of roads and highways, parking areas, railroad tracks, pipelines, power and communication lines, buildings or building areas, sanitary landfills, or from any other clearing operations that may be approved by Chief as defined in § 15-2 of this Code, provided the following conditions are met:

- 1) All reasonable effort shall be made to minimize the amount of material burned, with the number
- 2) The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
- 3) The burning shall be at least 500 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted;
- 4) The burning shall be conducted at the greatest distance practicable from highways and air fields;
- 5) The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
- 6) The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
- 7) The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.

(d) Open burning is permitted for destruction of debris on the site of local landfills provided that the burning does not take place on land that has been filled and covered so as to present an underground fire hazard due to the presence of methane gas provided that the following conditions are met:

- 1) The burning shall take place on the premises of a local sanitary landfill that meets the provisions of the regulations of the Virginia Waste Management Board;
- 2) The burning shall be attended at all times;
- 3) The material to be burned shall consist only of brush, tree trimmings, yard and garden trimmings, clean burning waste, clean burning debris waste, or clean burning demolition waste;

- 4) All reasonable effort shall be made to minimize the amount of material that is burned;
- 5) No materials may be burned in violation of the regulations of the Virginia Waste Management Board or the State Air Pollution Control Board. The exact site of the burning on a local landfill shall be established in coordination with the regional director and Chief as defined in § 15-2 of this Code; no other site shall be used without the approval of these officials. The Chief as defined in § 15-2 of this Code shall be notified of the days during which the burning will occur.

§ 72-7 Permits.

- (a) When open burning of debris waste (Section 72-6C) or open burning of debris on the site of a local landfill (Section 72-6D) is to occur within Caroline County, the person responsible for the burning shall obtain a permit from the Chief as defined in § 15-2 of this Code prior to the burning. Such a permit may be granted only after confirmation by the Chief as defined in § 15-2 of this Code that the burning can and will comply with the provisions of this ordinance and any other conditions that are deemed necessary to ensure that the burning will not endanger the public health and welfare or to ensure compliance with any applicable provisions of the State Air Pollution Control Board's Regulations for the Control and Abatement of Air Pollution. The permit may be issued for each occasion of burning or for a specific period of time deemed appropriate by the Chief as defined in § 15-2 of this Code.
- (b) Prior to the initial installation (or reinstallation, in cases of relocation) and operation of special incineration devices, the person responsible for the burning shall obtain a permit from the Chief as defined in § 15-2 of this Code, such permits to be granted only after confirmation by the Chief as defined in § 15-2 of this Code that the burning can and will comply with the applicable provisions in Regulations for the Control and Abatement of Air Pollution and that any conditions are met that are deemed necessary by the Chief as defined in § 15-2 of this Code to ensure that the operation of the devices will not endanger the public health and welfare. Permits granted for the use of special incineration devices shall at a minimum contain the following conditions:
 - 1) All reasonable effort shall be made to minimize the amount of material that is burned. Such efforts shall include, but are not limited to, the removal of pulpwood, saw logs and firewood.
 - 2) The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material.

- 3) The burning shall be at least 300 feet from any occupied building unless the occupants have given prior permission, other than a building located on the property on which the burning is conducted; burning shall be conducted at the greatest distance practicable from highways and air fields. If the Chief as defined in § 15-2 of this Code determines that it is necessary to protect public health and welfare, he may direct that any of the above cited distances be increased.
- 4) The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced. Under no circumstances should the burning be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials.
- 5) The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.
- 6) The use of special incineration devices shall be allowed only for the destruction of debris waste, clean burning construction waste, and clean burning demolition waste.
- 7) Permits issued under this subsection shall be limited to a specific period of time deemed appropriate by the Chief as defined in § 15-2 of this Code.


(c) There shall be no cost for a permit under Section 72-7A or 72-7B.

In all other requests, the provisions of the Code of Caroline shall remain the same.

The foregoing shall be effective immediately.

Adopted this 13th day of October 2009.


Clerk


Chairperson