

TITLE 8. EDUCATION

COLLEGE OF WILLIAM AND MARY

Final Regulation

REGISTRAR'S NOTICE: The College of William and Mary is claiming an exemption from the Administrative Process Act in accordance with § 2.2-4002 A 6 of the Code of Virginia, which exempts educational institutions operated by the Commonwealth.

Title of Regulation: **8VAC115-40. Open Flames on Campus (adding 8VAC115-40-10, 8VAC115-40-20, 8VAC115-40-30, 8VAC115-40-40, 8VAC115-40-50).**

Statutory Authority: § 23.1-1301 of the Code of Virginia.

Effective Date: June 21, 2018.

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Summary:

The regulation (i) establishes the limitations on the presence of open flames in university buildings or on university property and (ii) imposes the requirement for a permit for certain activities involving open burning or open flames.

CHAPTER 40

OPEN FLAMES ON CAMPUS

8VAC115-40-10. Definitions.

The following words and terms when used in this chapter shall have the following meanings unless the context clearly indicates otherwise:

"Open flame" means any activity or device producing a flame, including candles, tiki torches, oil lanterns, butane or other gas burners, incense, campfires, bonfires, fire pits, and grills.

"University property" means any property, vehicle, or vessel owned, leased, or controlled by the College of William & Mary in Virginia, including the Virginia Institute of Marine Science.

8VAC115-40-20. Permit required for open burning and open flames; exceptions.

A. Open flames are prohibited on all university property, including within university buildings and facilities, except pursuant to a permit issued by the university.

B. Exceptions to the requirement for a permit are:

1. Activities taking place within the scope of academic coursework when under the supervision of the relevant faculty member;

2. Flames created for the transient purpose of lighting a cigarette, cigar, pipe, or similar smoking device, provided such activity is in an authorized location, is otherwise lawful, and the burning or smoking elements are safely and responsibly disposed; and

3. Activities undertaken by university contractors whose contract has been approved by the office of Procurement Services and which contract authorizes open flames.

8VAC115-40-30. Permits.

Persons seeking to ignite an open flame must apply to the Environmental Health and Safety Office for a permit to perform the activity. Permits may be issued for a one-time event or activity, or on a recurring or ongoing basis.

Applicants must apply at least five working days in advance of the activity to ensure consideration. An applicant's history of compliance with previous permits will be considered in a decision to grant a permit.

Persons granted permits are required to comply with all conditions of the permit.

8VAC115-40-40. Person lawfully in charge.

In addition to individuals authorized by university policy, College of William & Mary police officers and representatives of the Environmental Health and Safety Office are lawfully in charge for the purposes of forbidding entry upon or extending permission to remain upon university property of those who are in violation of this prohibition.

8VAC115-40-50. Compliance with policy.

Persons who fail to obtain a permit or to comply with its conditions will be asked to extinguish the open flame or bring the activity into compliance with the term of the permit. Failure to comply with this request may result in arrest for trespass. Members of the university community are also subject to disciplinary action, including termination or expulsion.