

# Fauquier County Open Burning Laws

## PURPOSE

"...To protect the public health, safety and welfare by regulating open burning within the county of Fauquier..."

*Chapter 9 of the Fauquier County Code*

## THE "4:00 PM" BURN LAW

During the period between February 15th and ending April 30th of each year, open burning may only take place between the hours of 4:00 PM and 12:00 midnight.

## PERMIT REQUIREMENT

A permit is required when open burning for the purpose of land or site clearing operations. This permit may be obtained from the Department of Fire Rescue and Emergency Management at (540) 422-8800

## NOTIFICATION REQUIRED

**Open burning may only take place after those wishing to burn have notified the Fauquier County Sheriff's Office Communications Center at (540) 347-1313**

## PROHIBITED OPEN BURNING

The burning of garbage, refuse, trash, rubbish and other forms of liquid or solid waste is prohibited at all times.

## RESIDENTIAL BURNING

The burning of wood, brush, grass trimmings or leaves is permitted in all areas of the County, provided the following conditions are met:

1. The fire must be a minimum of **50 feet** from any structure and be **300 feet** from any occupied dwelling you MUST have written permission those who occupy those dwellings;  
**AND**
2. You MUST constantly attend the fire at all times; **AND**
3. Burning MUST be conducted in such a fashion as to minimize any nuisance to neighbors.

## OPEN BURNING FOR LAND AND SITE CLEARING

Open burning for land and site clearing operations resulting from commercial, industrial, or residential development is only permitted after obtaining a permit from the Fauquier County Department of Fire Rescue and Emergency Management. They may be reached at (540) 422-8800

Open burning for these purposes is permitted in all other areas of the County, provided certain conditions are complied with, as required by the Department of Fire Rescue and Emergency Management.

## RECREATIONAL FIRES

Bonfires and campfires are permitted if the fuel consists only of seasoned dry hardwood, ignited with a small quantity of paper. Fires will be no more than 5 feet by 5 feet in dimension and will not burn more than 3 hours at any one time. At no time shall bonfires or campfires be used for waste disposal purposes.

## HELPFUL HINTS FOR LEAF BURNING

- Burn only dry leaves. Wet leaves produce unnecessary smoke generation.
- Burn only small piles no more than 3 feet wide and 2 feet tall. Large, long piles do not completely burn.
- Never use gas, lighter fluid or any other fuel to kindle or rekindle a fire. If the leaves need fuel to burn, they are too wet to burn and may create potential for injury.
- Start the fire in your leaf pile against the wind. This will allow the fire to burn slower and burn deeper into the leaf pile.
- Keep small children away from the fire and out of the smoke.
- Keep a garden hose handy in case of sudden, uncontrolled fire spread.

## VA Dept. of Forestry Burn Law 10.1-1142

A. It shall be unlawful to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless all reasonable care and precaution has been taken by having cut and piled or carefully cleared around the material to prevent the spread of such fire to lands other than those owned or leased by him. This also applies to any employee of any such owner or lessee of said land.

B. Except as provided in subsection C, during the period February 15 through April 30 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful in any county, city or portion thereof organized for forest fire control under the direction of the State Forester, 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.

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 § 10.1-1150.1; 2) The burn is conducted in accordance with § 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.

## Definitions:

### BONFIRE

An outdoor fire used for ceremonial purposes.

### SITE & LAND CLEARING

The process of clearing land of trees, brush and other debris for the purpose of making way for streets, roads and/or buildings.

### GARBAGE

Animal and vegetable matter such as that originating in houses, kitchens, restaurants and hotels or produce markets which is accumulated in the course of ordinary day-to-day living.

### RECREATIONAL BURNING

An outdoor fire which is used to cook food for human consumption, such as camp fires, warming fire and bonfires.

### 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.

For More Information please visit...



[www.fauquierfirerescue.org](http://www.fauquierfirerescue.org)

Or call (540)422-8800

## OPEN BURNING REGULATIONS



# A Guide to Open Air Burning In Fauquier County



**FAUQUIER COUNTY DEPARTMENT OF FIRE,  
RESCUE AND EMERGENCY MANAGEMENT**