

## **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.

**The Fauquier County Ordinance can be found here:** [https://library.municode.com/va/fauquier\\_county/codes/code\\_of\\_ordinances?nodeId=COOR\\_CH9FIPR](https://library.municode.com/va/fauquier_county/codes/code_of_ordinances?nodeId=COOR_CH9FIPR)

## **FAQs:**

### **When can I burn?**

Between February 15th and May 15th, you must burn after 4 PM and before midnight. See State Forestry laws and Fauquier County Ordinances for details.

### **Do I need a permit?**

If you are only burning leaves or yard debris, tree or garden trimmings, no. If you are unsure, please call the number below.

### **How do I get a permit?**

A burn permit may be obtained from the Department of Fire Rescue and Emergency Management M-F 8:00AM-4:00PM at 540-422-8800. Requests for inspections must be made by Thursday at 4:00PM.

### **If my neighbor is burning, what can I do?**

While burning is legal if all laws and ordinances are followed, Fauquier County wants all citizens, friends and guests to feel safe and live healthy. County Ordinance Sec. 9-24., Regulations of hazardous or objectionable fires, explains that if the fire or smoke causes a health or physical hazard it is subject to extinguishment orders.

### **How do I contact the Fire Marshal?**

Call (540) 422-8823. If there is no answer, please leave message and we will get back with you.

**For More Information visit...**

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

Or call (540)422-8800



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## **OPEN BURNING REGULATIONS**



# A Guide to Open Air Burning In Fauquier County



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

# 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 May 15th 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 property maintenance and land or site clearing operations. **A physical inspection of burn pile is required.** This permit may be obtained from the Department of Fire Rescue and Emergency Management at (540) 422-8800 M-F 8:00-4:00 PM. Cost is free.

Request for inspection must be made by Thursday 4 pm. You are responsible to obtain a permit. If you are unsure if one is needed call the number above or below.

Any objected fire will be subject to extinguishment.

## **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 manure, garbage, refuse, trash, rubbish and other forms of liquid or solid waste is prohibited at all times. The burning of construction or demolition waste is also prohibited. (This includes, but is not limited to, fencing material, milled or pressed wood that has been painted, treated, stained, impregnated or glued.)

## RESIDENTIAL BURNING

The burning of tree, yard and garden trimmings or leaves is permitted in all areas of the County, provided the following conditions are met, no saw wood:

1. The fire must be a minimum of **50 feet** from any structure and be **300 feet** from any occupied building. You **MUST** have written permission from those who occupy those buildings; **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.

**All open burning must be conducted on property in which it is generated and shall not be brought in from any other property.**

## OPEN BURNING FOR LAND AND SITE

### CLEARING

Open burning resulting from property maintenance or any clearing operations 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. An effort to minimize burn time must be made. And must be 500 ft. from any occupied building. (full list- 9-22(c) county ordinance).

## RECREATIONAL FIRES

Bonfires and campfires are permitted if the fuel consists only of seasoned dry hardwood, ignited with a small quantity of paper. At no time shall bonfires or campfires be used for waste disposal purposes.

## HELPFUL HINTS

- Recreational Fires should be no more than 5 feet in diameter and cannot burn for more than 3 hours at any one time.
- Burn only dry leaves. Wet leaves produce unnecessary smoke generation.
- Burn only small leaf 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 leaves need fuel to burn, they are too wet to burn and may create potential for injury.
- Start a fire in a 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.

If a fire is left burning or smoking unattended you will be subjected to being charged with a class 1 misdemeanor.

All county ordinances and state and federal laws must be adhered to.