



Office: (540) 942-6730
Fax: (540) 942-6731



FIRE MARSHAL'S OFFICE



300 W. Broad Street
Waynesboro, VA 22980

Burn Policy

The guidelines for burning within the city are established by City Ordinance (Chapter 34. - Fire Prevention and Protection, Article I. - In General, Sec. 34-5. - Burning trash, debris, etc; open fires generally) and utilize the Virginia Statewide Fire Prevention Code (Chapter 3 Section 307: Open Burning, Recreational Fires, and Portable Outdoor Fireplaces).

Definitions:

BONFIRE. An outdoor fire utilized for ceremonial purposes.

CHIMNEY. A primarily vertical enclosure containing one or more passageways for conveying flue gases to the outside atmosphere.

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge-pots and similar devices associated with safety or occupational uses typically considered open flames, *recreational fires* or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PERMIT. An official document or certificate issued by the authority having jurisdiction which authorizes performance of a specified activity.

PORTABLE OUTDOOR FIREPLACE. A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

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The six types of burning that are allowed within the city limits:

1. The use of a barrel for warmth of construction workers (**does not require a permit**)
 - a. Barrel must be metal.
 - b. Barrel must contain a screen mesh at least 3/4" thick.
 - c. Barrel cannot be within 20 feet of any building, fence, other structure, or combustibles.
 - d. Only ordinary wooden combustibles are permitted to be burned. The burning of pressure treated wood, rubbish, or construction debris is prohibited.
 - e. Must be attended at all times.
 - f. Must have a minimum of one portable fire extinguisher or other approved onsite fire extinguishing equipment within 25 feet.

2. Recreational Fires (**permit required**)
 - a. Bonfires
 - i. Fire is to be utilized for ceremonial purposes only.
 - ii. Fire cannot be within 50 feet of any building, fence, other structure, or combustibles unless contained in an approved fire pit.
 - iii. Conditions which could cause a fire to spread within 50 feet of a building, fence, other structure, or combustibles shall be eliminated prior to ignition.
 - iv. Size cannot exceed 5'x5'x5'.
 - v. Duration cannot exceed 3 hours.
 - vi. Only ordinary wooden combustibles are permitted to be burned. The burning of pressure treated wood, rubbish, or household garbage is prohibited.
 - vii. Must be attended at all times.
 - viii. Must have a minimum of one portable fire extinguisher or other approved onsite fire extinguishing equipment within 25 feet.

3. Portable Outdoor Fireplace (**does not require a permit**)
 - a. Shall be used in accordance with manufacturer's instructions.
 - b. Must be constructed of a non-combustible material (steel, concrete, clay, etc).
 - c. May contain a small hearth opening and short chimney.
 - d. Includes metal fire bowls / fire pits.
 - e. Fire cannot be within 15 feet of any building, fence, other structure, or combustibles.
 - f. Ordinary wooden combustibles are permitted to be burned. The burning of pressure treated wood, rubbish, or household garbage is prohibited.
 - g. May utilize propane as an alternative fuel source.
 - h. Must be attended at all times.
 - i. Must have a minimum of one portable fire extinguisher or other approved onsite fire extinguishing equipment within 25 feet.

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4. Barbecue Pits / Cooking Fires (**does not require a permit**)
 - a. Does not pertain to grills.
 - b. Utilized for cooking purposes only.
 - c. Must be kept within a fire ring made of noncombustible materials such as rocks, metal, fire block, etc.
 - d. Cannot be greater than 3 feet in diameter.
 - e. Ordinary wooden combustibles are permitted to be burned. The burning of pressure treated wood, rubbish, or household garbage is prohibited.
 - f. May utilize propane as an alternative fuel source.
 - g. Must be attended at all times.
 - h. Must have a minimum of one portable fire extinguisher or other approved onsite fire extinguishing equipment within 25 feet.

 5. Residential Open Burning (**permit required**)
 - 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 following conditions are met:
 - i. The burning takes place on the premises of the private property; (and)
 - ii. 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
 - iii. No regularly scheduled collection service for such trimmings is available at the adjacent street or public road).
 - b. Open burning is permitted on site for the destruction of household waste by homeowners or tenants, provided that the following conditions are met:
 - i. The burning takes place on the premises of the dwelling;
 - ii. Animal carcasses or animal wastes are not burned;
 - iii. Garbage is not burned; (and)
 - iv. 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
 - v. No regularly scheduled collection service for such refuse is available at the adjacent street or public road).

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6. Commercial Open Burning (**permit required**)

- a. 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 maybe approved by the Fire Chief, provided the following conditions are met:
 - i. All reasonable effort shall be made to minimize the amount of material burned, with the number and size of the debris piles approved by the fire chief;
 - ii. The material to be burned shall consist of brush, stumps and similar debris waste and shall not include demolition material;
 - iii. 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;
 - iv. The burning shall be conducted at the greatest distance practicable from highways and air fields;
 - v. The burning shall be attended at all times and conducted to ensure the best possible combustion with a minimum of smoke being produced;
 - vi. The burning shall not be allowed to smolder beyond the minimum period of time necessary for the destruction of the materials; and
 - vii. The burning shall be conducted only when the prevailing winds are away from any city, town or built-up area.

The following are prohibited in the city:

1. A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with the Virginia Statewide Fire Prevention Code Sections 307.1.1-307.5.
2. No person shall burn trash or any other debris in any yard, alley, field, street or other open place in the city.
3. Any fire not meeting one of the aforementioned criteria.
4. Open burning before 4:00 pm within 300 feet of woodland, brushland, and fields containing dry grass or other flammable material during the Virginia Burn Law, which is effective from February 15 through April 30 every year (**Per the Department of Forestry, does not include portable outdoor fireplaces or any device utilizing a spark arrester / screen**).
5. Open burning shall be prohibited with or without a permit when atmospheric conditions or local circumstances make such fires hazardous.
 - a. Fire Marshal issued City-Wide Burn Ban

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Permits

A permit shall be obtained from the Fire Code Official in accordance with the Virginia Statewide Fire Prevention Code Section 107.2 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pest, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Review the following requirements for application process.

Submit completed application with all required attachments to the City of Waynesboro Fire Department no later than ten (10) working days prior to event date.

If a permit is issued based upon this application, it shall be valid only at the location listed on the application and for the specific dates(s) and time(s) for which it is issued.

Applications and attachments may be submitted via e-mail or printed and delivered to the Waynesboro Fire Department.

Waynesboro Fire Department
300 West Broad Street
Waynesboro, VA 22980

540-942-6730
540-942-6731 fax
FitzgeraldGG@ci.waynesboro.va.us

Extinguishment Authority

When open burning creates or adds to a hazardous situation or a required permit for open burning has not been obtained, the Fire Code Official is authorized to order the extinguishment of the open burning operation.

When open burning creates a nuisance and generates complaints from surrounding properties, the Fire Code Official is authorized to order the extinguishment of the open burning operation.

Penalties for unlawful burning:

1. **First offense** - verbal warning with offender and property address documentation kept on file.
2. **Second offense** – the offender is issued a Notice of Violation.
3. **Third and subsequent offenses** – the offender is issued a summons for a Class I misdemeanor under Section 27-100 of the Code of Virginia in accordance with Section 111.4 (Penalty) and 111.5 (Summons) of the Virginia Statewide Fire Prevention Code which can carry a twelve-month jail sentence and/or \$2500 fine.

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