



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

300 W. Broad Street  
Waynesboro, VA 22980

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## 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 four 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.

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- 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.
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.

### 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 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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