



Frederick County Fire and Rescue Department

Life Safety Division

Office of the Fire Marshal

1080 Coverstone Drive

Winchester, VA 22602

Phone: (540) 665-6350 * Fax: (540) 678-4739

www.fcva.us/fmo

Open Burning Permit Application

INSTRUCTIONS FOR APPLICANT

- **Thoroughly read this application and fill out completely.**
- **Submit this application with all attachments to the Fire Marshal's Office at least 15 days prior to planned use.**
- **The completed application is to be accompanied by the required and non-refundable fee of \$100 per site**
- **12-month permit per site (except when burning is prohibited)**

Name of Applicant: _____

Address: _____

Street Address

City

State

Zip

Applicant Phone #: _____ Email: _____

Property Owner Name (if applicable): _____

Address: _____

Street Address

City

State

Zip

Property Owner Phone #: _____ Email: _____

Burn Site Address: _____

Name of Site Forman: _____ Phone #: _____

Distance to nearest structure: _____ Distance to wood line: _____

Directions to site: _____

Notes:

- I have read and signed the burning regulations.
- I have attached the required site drawing and property owner permission letter if applicable.
- I understand a site inspection must be conducted by the Fire Marshal's Office prior to the validation of the permit.
- Burn pile must be attended at all times.
- Burn pile (materials on fire) cannot be within 500 feet of any wood line at any time during burning operation.
- **Open burning must be reported to the Frederick County Emergency Communications Center at (540) 665-5645 prior to ignition and when the fire is extinguished.**
- Processing Fee: \$100 per site

Signature: _____ Date: _____

Fire Marshal Signature: _____ Date: _____

The completed application is to be received by the Fire Marshal's Office not less than 15 days prior to planned use and to be accompanied by the required and non-refundable fee of \$100. Fee is to be paid in the form of cash or check payable to the Treasurer of Frederick County and is to be submitted to:

Frederick County Fire and Rescue Department
Office of the Fire Marshal
1080 Coverstone Drive
Winchester, VA 22602

AN INCOMPLETE APPLICATION IS SUBJECT TO RETURN WITHOUT FURTHER PROCESSING

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Fire Marshal Office Use Only

- ☐ **Site Drawing**
- ☐ **Property Owner Permission Letter if applicable**
- ☐ **Signed Burning Regulations**
- ☐ **Payment**

Open Burning Regulations

Open burning regulations vary based upon the time of year. Please see below to learn more about open burning during a specific time period. Questions can be directed to the Fire Marshal's Office at 540-665-6350 during normal business hours.

- **February 15th – April 30th Open Burning Allowed Only Between 4:00pm and 12:00am per Department of Forestry (DOF)**
- **May 1st – September 30th Open Burning Prohibited per Virginia Department of Environmental Quality (DEQ)**
- **October 1st – February 14th Open Burning Permitted during the hours of 7:00am and 12:00Midnight**

Always call the Frederick County Emergency Communications Center at (540) 665-5645 prior to ignition and when the fire is extinguished.

Examples of open burning prohibitions as stated in Virginia Code §9VAC5-130-30 are:

- The burning of construction debris, plastics, tires, tar-based materials, oil or petroleum-based products, hazardous materials, chemicals, animal carcasses and similar materials or waste is prohibited countywide.
- Burning of household trash such as garbage, refuse, household waste, commercial waste, construction waste, combustible liquid, debris waste, hazardous waste, impregnated lumber, rubber, plastics, stumps, tar-based materials, oil or petroleum-based products, products of salvage operations, chemicals, and similar materials is prohibited.

Examples of open burning as stated in Virginia Code §9VAC5-130-40 are:

- On-site burning of leaves, trees, yard and garden clippings and other naturally occurring material originating on premises of a landowner, provided that no service for the removal of such items is available.
- Agricultural burning, such as clearing of a field or fence row, is limited to materials generated on site. Forest management and highway construction and maintenance programs.

Open burning may be no closer than 500 feet from a brush/wood line. Open burning may be no closer than 500 ft. from an occupied dwelling excluding your own, unless prior written permission has been given by the occupant(s) and may not pose a hazard to highways and airfields.

Permissible burning notwithstanding of burning restrictions are:

- Recreational fires which can be no larger than 3 feet in diameter by 2 feet in height and cannot be closer than 25 feet to a structure or combustible material. Examples of fires that are used solely for recreational purposes are campfires, ceremonial occasions, and for outdoor noncommercial preparation of food. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- The use of warming barrels at a construction site is permitted so long as they contain clean lumber (non-treated), and are done in a barrel or similar container that is screened or covered to prevent flying embers and may be no closer than 15 feet from a structure.
- Portable outdoor fireplaces and chimineas are allowed and are not considered open burning if operated within manufacturer's specifications and not within 15 feet of a structure or combustible material.

Fire Marshal Disclaimer – The Frederick County Fire Marshal may impose regulations, at any time, based upon a complaint, atmospheric or other environmental circumstances, to restrict or extinguish any fire that is otherwise permitted according to these guidelines.

Violations and Penalty – Violations of the open burning regulations may result in being charged with and convicted of a Class 1 Misdemeanor. In addition, the responsible party may be held liable for all damages and the costs of firefighting operations.

February 15th – April 30th Open Burning is allowed between 4:00pm and 12:00am

The Virginia Department of Forestry (DOF) mandates and enforces the “**4:00pm burning law**” effective February 15th through April 30th of each year during which open burning may only take place between the hours of 4:00pm and 12:00midnight.

Open burning is allowed under the following conditions:

- When not otherwise prohibited as outlined in the above **Open Burning Regulations** section.
- **All such open burning must be reported to the Frederick County Emergency Communications Center at (540) 665-5645 prior to ignition and when the fire is extinguished.**
- Open burning may be no closer than 500 ft. from a brush/wood line.
- Open burning may be no closer than 500 ft. from an occupied dwelling, excluding your own, without prior written permission from the occupant(s) of the neighboring occupied dwellings.
- Fires shall be attended at all times by competent persons 18 years of age or older. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- If at any time the fire is not attended, it must be fully extinguished.
- Legally set open air fires are subject to all local regulations.

May 1st – September 30th All Open Burning Prohibited

The Virginia Department of Environmental Quality (DEQ) mandates and enforces the Western Virginia Emissions Control Area which includes Frederick County. Open burning is prohibited countywide during the period of May 1st through September 30th of each year (§9VAC5-20-206).

NOTE: The exception is - Open burning is permitted for:

- In the absence of other means of disposal, open burning may be used for the following agricultural practices:
 - o to destroy undesirable or diseased vegetation
 - o to clear orchards and orchard pruning's
 - o to destroy empty fertilizer and chemical containers
 - o to denature seed and grain that may no longer be suitable for agricultural purposes
 - o to prevent loss from frost or freeze damage
 - o to create a favorable habitat for certain species
 - o to destroy strings and plastic ground cover remaining in the field after being used in growing staked tomatoes.
- Open burning may be used for the following Virginia State Forest Management practices provided the burning is conducted in accordance with the Department of Forestry's smoke management plan:
 - o to reduce forest fuels and minimize the effect of wildfires
 - o to control undesirable growth of hardwoods
 - o to control disease in pine seedlings
 - o to prepare forest land for planting or seeding
 - o to create a favorable habitat for certain species
 - o to removed dead vegetation for the maintenance of railroad, highway and public utility right-of-way

For all questions regarding exemptions to the burn ban during this time frame please contact DEQ at (540) 574-7800.

October 1st – February 14th Open Burning Permitted

Open burning is permitted for the burning of leaves, trees, brush, yard and garden trimmings generated onsite, where trash service is not available for this purpose.

Open burning is allowed under the following conditions:

- When not otherwise prohibited as outlined in the above **Open Burning Prohibited** section.
- **All such burning must be reported to the Frederick County Emergency Communications Center at (540) 665-5645 prior to ignition and when the fire is extinguished.**

- Open burning may be no closer than 500 ft. from a brush/wood line.
- Open burning may be no closer than 500 ft. from an occupied dwelling, excluding your own, without prior written permission from the occupant(s) of the neighboring occupied dwellings.
- Fires shall be attended at all times by competent persons 18 years of age or older. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- If at any time the fire is not attended, it must be fully extinguished.
- Legally set open air fires are subject to all local regulations.

Commercial Burning - Land Clearing Related Burning

All burning related to land clearing operations by contractors or landowners for development purposes shall be approved by the Fire Marshal's Office.

- A permit is required for open burning for the purpose of land or site clearing operations, burning of materials from clearing woodland or any quantity of material that would burn beyond the burning hours stated above in the burning regulations. This permit may be obtained from the Fire Marshal's Office. Applications must be submitted 10 business days in advance of requested start date. A fee of \$25.00 is required with the submittal of the application.
- No permits will be issued between May 1st and September 30th. Open burning for the purpose of land clearing operations for such things as constructing roads and highways, buildings and building areas, parking areas and power communication lines are prohibited in the Western Virginia Emissions Control Area, which includes Frederick County, during the months of May, June, July, August and September.
- The permit recipient shall be responsible for all damages and fire-suppression costs associated with the loss of control of any fire.
- A bulldozer or similar track equipment in operational condition and an operator shall be present at all times when commercial burning operations are under way.
- Location for open burning shall maintain a minimum of 500 feet clearance from woods, streets, and occupied buildings. Open burning may be no closer than 500 ft. from an occupied dwelling, excluding your own, without prior written permission from the occupant(s) of the neighboring occupied dwellings before a permit will be issued.
- The area surrounding the burn area shall be clear and clean of all combustible materials, pursuant to Department of Forestry regulations.
- Wind, humidity, time of year, weather, water availability and size of the proposed burn area shall be evaluated by the Fire Marshal's Office prior to permit issuance.
- Observations or complaints of health or traffic hazards associated with smoke may be cause for commercial burning permit revocation.

Applicant Signature:_____ **Date:**_____