



# Henrico County Division of Fire

## Office of the Fire Marshal

### ***Regulations for Open Burning*** ***Land Clearing and Property Maintenance***

Open burning shall be allowed after obtaining the approval and permit from the Fire Marshal for the destruction of any "debris waste" generated from the development of property. Any debris generated during the removal of unwanted, leaning, hazardous or dead trees regardless of size, during normal upkeep or landscaping of the property. Including, but not limited to, limbs, tree trunks, logs and stumps.

The Fire Marshal shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make such fires hazardous. The Fire Marshal shall order the extinguishment, by the permit holder or the fire department, of any open burning that creates or adds to a hazardous or objectionable situation.

1. Possession of a permit for open burning does not exempt or excuse a person from the consequence, damages or injuries which may result from such conduct, nor does it excuse or exempt any person from complying with all applicable laws, ordinances, regulations, and orders of the federal government, Commonwealth of Virginia and/or Henrico County.
2. Burning of the following is **PROHIBITED**:
  - a. Toxic or hazardous materials or containers for such materials.
  - b. Rubber tires, asphaltic material, crankcase oil, impregnated wood, or other rubber or petroleum-based materials.
  - c. Paper, used lumber or trade waste.
  - d. Building, construction waste and/or demolition waste.
  - e. Household/commercial trash or refuse.
3. A **"written permit" is required** for the open burning of land clearing and property maintenance.
  - a. The permit application shall be submitted at least **10 business days** before the desired burn date. The application can be found online at:  
<https://henrico.us/services/application-for-open-burning/>
  - b. The permit will be valid for **thirty (30) days; limited to two permits per year per site, October 1 to April 30.**
  - c. Open burning is prohibited by State law from May 1<sup>st</sup> through September 31<sup>st</sup>.  
(Code of Virginia, Administrative Code 9VAC5-130-40. Permissible Open Burning)
  - d. An application with all the required permissions shall be submitted for each permit requested.
  - e. The burning shall take place on the premises of the property from which the trimmings were taken.
  - f. All reasonable effort shall be made to minimize the amount of material that is burned with the number and size of the debris piles approved by the Henrico County Division of Fire, Fire Marshal's Office.
  - g. Only one burn pile shall be ignited at a time and shall not **exceed** the 25' x 25' x 15' size. The size of the pile may be modified by the Fire Marshal. Accelerants shall not be used to ignite or maintain the fire.

- h. The location for any open burning shall not be less than 50 feet from any combustibles, structures or combustible fencing. (2015 Virginia Statewide Fire Prevention Code 307.4)
- i. The location of the burning is not less than 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. (Commonwealth of Virginia State Air Pollution Control Board 9VAC Chapter 130 Part II Section 000-6 C-3)
- j. Permitted fires shall be constantly attended by a competent person until they are fully extinguished. Fire shall be conducted to ensure the best possible combustion with a minimum of smoke and fly ash being produced. The operator and equipment to control and/or extinguish the fire(s) shall be within 1000 feet of the pile at all times.
- k. A copy of the permit with applicable conditions, site plan, and guidelines shall be kept on site.
- l. Henrico County, Virginia - Code of Ordinances (section 11-17) requires open burning to be between the hours of 8:00 a.m. and 8:00 p.m.; between February 15th and April 30th, open burning is permitted between 4:00 p.m. and 8:00 p.m.

4. Any other permitted open burns located in Henrico County shall be a "Pit Type Burn"

**Pit Burning Using A Mechanical Blower:** When conducting a "pit burn", requirements of this guideline and the requirements listed below shall be met:

- Pit depth cannot exceed 14 feet.
- Pit width cannot exceed the width of the mechanical blower.
- The pit shall be cleaned each day.
- The pit cannot be filled more than 2 feet below grade level.
- The blower may be required to be shut off or reduced in speed after 10:00 PM due to noise.
- The permit holder is responsible for all damage to adjacent properties and/or vehicles.
- A minimum of 1 bulldozer with a trained operator must be on site at all times when burning.
- The permit holder must adhere to all State and Local burning laws.
- The contractor may/shall be liable for the cost associated with the response and actions taken in the event that the fire department is dispatched to the burn site.

5. Before beginning a controlled burn, the permit holder must call Henrico Emergency Communications at (804) 501-5000. They will need to know the address/location of the burn, the time the burn will begin, and the time the burn will end.

6. Failure to comply with the above conditions will constitute a violation of the law, which will result in possible legal action.

7. **Permit Cancellation:** The Fire Marshal's Office reserves the right to cancel the permit if weather conditions are not suitable for burning or any parts of this document are violated. Other grounds for cancellation include, but are not limited to, offensive smoke, ash fallout, excessive noise or poor security.

8. **Definitions:**

"Construction waste" means solid waste that is produced or generated during construction remodeling, or repair of pavements, houses, commercial buildings and other structures.

Construction waste consists of lumber, wire, sheetrock, broken brick, shingles, glass, pipes, concrete, and metal and plastics if the metal or plastics are a part of the materials of construction or empty containers for such materials. Paints, coatings, solvents, asbestos, any liquid, compressed gases or semi-liquids, and garbage are not construction wastes and the disposal of such materials must be in accordance with the regulations of the Virginia Waste Management Board.

"Debris waste" means wastes resulting from land clearing operations. Debris wastes include but are not limited to stumps, wood, brush, leaves, soil and road spoils.

"Demolition waste" means that solid waste which is produced by the destruction of structures, or their foundations, or both, and includes the same materials as construction waste.