



## **CONTROLLED OPEN BURNING** **\*\*PERMIT REQUIRED\*\***

### **SCOPE**

This publication outlines the Fire Prevention code requirements and prohibitions as well as permit application and inspection scheduling information related to the controlled burning in the City of Winchester. This publication does not address recreation fires, bonfires, charcoal grills and open flame cooking devices, or portable outdoor fire places.

Questions regarding the content of this publication should be directed to the Office of the Fire Marshal at 540-662-2298 during regular office hours, Monday thru Friday, 7:00 a.m. to 5:00 p.m.

### **OVERVIEW**

Controlled burning is the destruction and reduction of land-clearing waste on properties larger than five acres through a controlled open burning process resulting from permitted land-clearing operations, agricultural operations, natural disasters, and may include the use of an Air Curtain Destructor (ACD) or Pit Incinerator (PIT). Controlled burning is a form of open burning and is not permitted in volatile organic compounds emissions control areas including the City of Winchester during the months of May, June, July, August, and September of each year. Controlled burning requires a Fire Prevention Code Permit (FPCP).

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 and the City of Winchester Fire Prevention Code.

**OPEN BURNING DEFINED** - The Fire Prevention Code defines "open burning" as 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 REQUIRED**

In accordance with Section 307.2 of the Fire Prevention Code (as amended by the City of Winchester), a Fire Prevention Code Permit (FPCP) for a bonfire shall be obtained from the Fire Marshal's Office. This permit requirement does not apply to recreational fires, fire set for the training of firefighters under the direction of the Chief of the Fire Department, or fires set by a public health or safety officer where a health or fire hazard cannot be abated by any other means.

1. A permit shall be obtained from the Fire Marshal's Office prior to kindling a fire. Permits will only be issued to the owner or the owner's agent, for the land which the fire is to be kindled. A permit application can be obtained from the Fire Marshal's Office located at 21 S Kent Street or by going to our website at:
2. **Site plan required-** A plat or site plan of the property shall be provided with the permit application and shall include the following information:
  - a. Proposed location of the controlled burning operation.
  - b. Location of all utilities such as gas meters and overhead power lines.
  - c. Location of all structures and woodlands near the burn location.
  - d. Location of the two closest fire hydrants and all fire department access routes.
3. **Schedule a Site Inspection-** The site inspection must be scheduled at least one business day prior to the start of the controlled burning operations. To schedule the site inspection, contact the Fire Marshal's Office at 540-662-2298, Monday - Friday, 8:00 am - 5:00 pm.
4. **Notification-** Notification to the Winchester Emergency Communications Center is required prior to and at the conclusion of any open burning. Contact the Winchester Emergency Communications Center at **540-662-4131** and provide the following information:
  - Provide your name, a contact number and the address/location of the controlled burning operation.
5. **Post-Burn Requirements-** At the conclusion of the controlled burning operation, be sure the fire is completely extinguished and notify the Winchester Emergency Communications Center that open burning has stopped.

## **GUIDELINES FOR CONTROLLED BURNING**

- **Minimum of Five Acres.** Controlled burning shall be prohibited on less than five acres (217,800 square feet).
- **Property Owner Permission.** Controlled burning may only be conducted with the property owner's permission.
- **Distance from combustibles.** Controlled burning shall not be conducted within 50 feet of a structure or combustible material.
- **Allowable Fuels.** Only land-clearing waste such as wood, trees, tree trimmings, brush, or other vegetable matter indigenous to the site which is rendered as waste as a result of approved land clearing operations may be used as fuel for controlled burning operations.
- **Attendance.** Fires shall be constantly attended until completely extinguished.
- **Adequate means of extinguishment.** Adequate means of extinguishment must be on-site at all times.
- **No flammable/combustible liquids or solids** shall be placed in the fire.
- Must comply with all applicable Federal, State, and Local laws, rules, regulations, codes, and ordinances.

## **GENERAL PROHIBITIONS**

**Endangering Property Prohibited-** In accordance with Section 307.8 of the Fire Prevention Code (as amended by the City of Winchester), no person shall kindle nor authorize to be kindled or maintain any permitted (i.e., allowable) fire in such a manner that will endanger the property of another.

**Burning of Refuse Prohibited-** In accordance with Section 307.1.1 of the Fire Prevention Code (as amended by the City of Winchester), the burning of yard waste, household trash, garbage, refuse, household debris waste, hazardous waste, impregnated lumber, junk, rubber, plastics, stumps, tires, tar based materials, oil or petroleum based products, products of salvage operations, chemicals, animal carcasses and similar materials is prohibited.

For information about the environment and health hazards related to burning refuse, including backyard and barrel burning, visit the Environmental Protection Agency (EPA) online at:

**[www.epa.gov/osw/nonhaz/municipal/backyard/index.htm](http://www.epa.gov/osw/nonhaz/municipal/backyard/index.htm)**

**Ignitable Liquids or Hazardous Materials Prohibited-** Combustible and flammable liquids, as well as other hazardous materials, shall not be used to aid the ignition of any open burning or recreational fire. Furthermore, the application, dispensing, or use of a combustible or flammable liquid, or any other hazardous material, upon or into the fuel used in any controlled burn, bonfire, or recreational fire may be considered an unauthorized release of a hazardous material and is strictly prohibited.

**Offensive or Objectionable Fires Prohibited-** In accordance with Section 307.1.1 of the Fire Prevention Code (as amended by the City of Winchester), any open burning that is offensive or objectionable because of smoke or odor emissions or what atmospheric conditions or local circumstances make such fires hazardous, are prohibited.

**Hazardous Fires Prohibited-** The Fire Marshal or fire department may order the immediate extinguishment of any recreational fire or open burning because of one or more of the following hazardous situations:

- Unattended fires
- Unprotected or uncontained fires deemed capable of spreading
- Inadequate fire extinguishing equipment/materials
- Combustible exposure hazards
- Inappropriate or hazardous materials used as fuel
- Air contaminants, smoke, or other materials which may cause a traffic hazard

## **FORESTRY-RELATED REQUIREMENTS & PROHIBITIONS**

**4 P.M. Burn Law-** It shall be unlawful, under the direction of the State Forester, for any person to set fire to, or to procure another to set fire to, any brush, leaves, grass, debris of field containing dry grass or other inflammable material capable of spreading fire, located in, or within 300 feet of woodland, brush land or fields containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and midnight.

**Precautions against Spread of Fire-** It shall be unlawful for any owner or lessee of land to set fire to, or to procure another to set fire to, any woods, brush, logs, leaves, grass, debris, or other inflammable material upon such land unless he previously has taken all reasonable care and precaution, by having cut and piled the same or carefully cleared around the same, to prevent the spread of such fire to lands other than those owned or leased by him. It shall also be unlawful for any employee of any such owner or lessee of land to set fire to or to procure another to set fire to any woods, brush, logs, leaves, grass, debris, or other inflammable material, upon such land unless he has taken similar precautions to prevent the spread of such fire to any other land. (Code of Virginia, 10.1-1142-A) For more information, visit the Virginia Department of Forestry (VDOF) online at:

<http://www.dof.virginia.gov/fire/index.htm>

**AIR QUALITY RESTRICTIONS**

**Seasonal Restrictions.** In accordance with Virginia's air quality regulations, controlled burning is not permitted in volatile organic compounds emissions control areas including the City of Winchester during the months of May, June, July, August, and September of each year. Therefore, the Fire Marshal will not issue controlled burning permits effective during those months, and permits already issued shall become invalid and controlled burning operations discontinued. This restriction does not apply to lawful bonfires or recreational fires. For detailed information on Virginia's air quality regulations restricting open burning, visit the open burning seasonal restrictions section of the Virginia Department of Environmental Quality's (DEQ) website at:

**[Virginia DEQ - Open Burning](#)**



**WINCHESTER FIRE & RESCUE DEPARTMENT**  
**OFFICE OF THE FIRE MARSHAL**  
 21 S Kent Street, Suite 301  
 Winchester, VA 22601  
 (540) 662-2298



**Permit Application – Controlled Open Burning**

<b>Applicant</b>		<b>Application Date</b>		
<b>Address</b>		<b>Date of Burn</b>		
<b>Business Name</b>				
<b>Phone</b>	<b>Mobile Phone</b>	<b>Email Address</b>		
<b>Type of Open Burn</b>	Industrial <input type="checkbox"/>	Agricultural <input type="checkbox"/>	Occupational <input type="checkbox"/> Bonfires <input type="checkbox"/>	
<b>Location of Open Burn</b>		<b>Onsite Contact</b>		
<b>Event Description</b>				
The applicant hereby accepts full responsibility for the adherence to all requirements of the Virginia Statewide Fire Prevention Code and the City of Winchester Code pertaining to this application.				
<b>Permit</b>	<b>Description</b>			
<input type="checkbox"/> <b>Controlled Open Burn</b>	The destruction and reduction of land-clearing waste on properties larger than five acres.			
<input type="checkbox"/> <b>Bonfires</b>	A bonfire is a constantly attended outdoor fire utilized primarily for ceremonial purposes that has a fuel area no more than 5 feet in diameter and 5 feet in height.			
<input type="checkbox"/>	I have received and read the permit guidelines.			
<input type="checkbox"/>	I have attached the required site plan, and property owner permission letter.			
<input type="checkbox"/>	I understand that this permit must remain in a conspicuous location on the premises and is not transferable.			
<input type="checkbox"/>	I understand a site inspection must be conducted by the Fire Marshal's Office prior to the validation of the permit.			
<input type="checkbox"/>	<b>Permit Fee: \$50.00</b>	<b>Type of payment:</b>	<b>Check Number:</b>	
<b>Signature</b>		<b>Date</b>		
<b>Mail Completed Application and Payment To:</b> Winchester Fire and Rescue Department • Fire Marshal's Office • 21 S Kent Street, Suite 301 • Winchester, VA 22601				
<b>For Fire Department Use Only</b>				
<b>Application Received</b>				
<b>Application Reviewed</b>				
<b>Payment Received</b>				
<b>Inspection Completed</b>				
<b>Permit #</b>		<b>Approval:</b> Yes <input type="checkbox"/>	No <input type="checkbox"/>	Conditionally approved <input type="checkbox"/>