



Henrico County Division of Fire

Office of the Fire Marshal

Regulations for Open Burning ***Tree and Garden Trimmings/Bonfires***

Open burning shall be allowed after obtaining the approval and permit from the Fire Marshal for the destruction of any vegetation that would be commonly removed from trees, shrubs or garden plants during the normal pruning process. Also, any twigs or small branches that fall from trees during normal thunderstorms or windy days. And any plants removed from a garden after the growing season (corn stalks, tomato vines, bean vines etc.)

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 and/or demolition material.
 - e. Household/commercial trash or refuse.
3. A **“written permit” is required** for the open burning of tree and/or garden trimmings.
 - 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 1st through September 31st.**
(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. Only one burn pile shall be ignited at a time and shall not **exceed** the 5' x 5' x 5' size. The size of the pile may be modified by the Fire Marshal. Accelerants shall not be used to ignite or maintain the fire.
 - f. Permitted fires shall be constantly attended by a competent person until they are fully

02/15/2019 extinguished.

- g. 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)
 - h. 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. (Commonwealth of Virginia State Air Pollution Control Board 9VAC Chapter 130 Part II section 000-6 A-2)
 - i. The burning shall take place on the premises of the private property from which the trimmings were taken.
 - j. 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. **Recreational and Warming fires** are allowed without a permit if the fuel is clean wood **ONLY** and shall be at least 25 feet from any structure or combustible material and be no larger than 3 feet in diameter and 2 feet in height. (2015 Virginia Statewide Fire Prevention Code 307.4). A **“written permit”** is required for bonfires.
5. The burning of limbs, tree trunks, logs or stumps is considered Property Maintenance or Land Clearing and is not allowed under the conditions of a 30-day permit. Follow the Guidelines for [Land Cleaning/Property Maintenance](#) to obtain a 90-Day Permit for this.
6. **Leaf Burning:** In accordance with Henrico County Code 11-17, leaf burning is prohibited in areas serviced by county leaf collection. A permit is NOT required to burn you leaves in non-pickup areas. In areas where scheduled leaf pickup service is not provided free of charge by the county, leaf burning is permitted between 8:00 a.m. and 8:00 p.m. from October 15 to February 14, except on hard-surfaced roadways of any street maintained by the county. Between February 15 and April 30, leaf burning is permitted in areas where scheduled leaf pickup service is not provided free of charge by the county between 4:00 p.m. and 8:00 p.m.

For information on leaf collection in Henrico County visit: <https://henrico.us/services/bagged-leaf-collection/>

Henrico County Bagged Leaf Pickup Map:

https://henrico.us/assets/BaqLeafCollectionMAP_final.pdf

7. 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.
8. Failure to comply with the above conditions will constitute a violation of the law, which will result in possible legal action.

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.

