



# Open Burning Ordinance Public Hearing



# Background

- January 2013
  - Banned the burning of household trash
- October 2018 ordinance change
  - Added distances for open air burning (2000' and 300')
  - Stringent regulations on land clearing operations
  - Banned burning from February 15 to April 30 each year
  - Clarified permissible materials
  - Added language to allow the fire marshal to order extinguishment
- December 2023
  - ACFR staff directed to research open burning regulations throughout the state



# Background

In December of 2023 – The ACFR’s Fire Marshal’s office began a comprehensive research process to compare our current open burning ordinance to other localities throughout the Commonwealth of Virginia to evaluate best practices.

The following counties were included in the research:

- Arlington
- Chesterfield
- Fairfax
- Fauquier
- Hanover
- Henrico
- Loudoun
- Powhatan
- Prince William
- Roanoke
- Rockingham
- Spotsylvania
- Stafford
- Warren
- York



# Background

August 2024 – ACFR staff provided a presentation on “Wildland Fire Prevention Strategies” to the Board of Supervisors.

- Update the Open Burning Ordinance (Chapter 6, Article IV Burning of Brush) to address gaps identified from our research
- Resulted in the creation of a Fire Weather/Danger assessment email to ACFR executive staff
  - Relative humidity
  - Wind
  - Temperature
  - Hot Dry Weather Index



# Background

In June of 2025 – ACFR staff attended a Board of Supervisors work session and provided a draft of changes to the burning of brush ordinance.

- Clarify categories of burning
  - Agricultural burning addressed in the Code of Virginia
- Escalating penalties for repeated convictions
- Burn ban authority for the county fire marshal



# Background

After the June 2025 Board of Supervisors work session, the following changes were made:

- Added definitions for building and structure
- Consolidated recreational burning (eliminated small vs. large)
  - Defined recreational burning and bonfires
- Clearly defined the fire marshal's authority to order extinguishment and implement a burn ban
  - Supported by enabling language in the Code of Virginia
- Removed the mandatory provision on escalating fines
  - Increased the period of time from two years to three years for subsequent offenses.



# Opportunities and Challenges

- Year round 4pm burn ban
  - Eliminates land clearing burning
  - Impacts community members and businesses
- Notification requirements
  - Adjoining property owner notification
  - Fire Marshal notification
  - MOBI is now publicly available

Government » Fire Rescue » Community Risk & Resilience » Fire Marshal's Office »

## Open Air Burning Guidelines

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The County of Albemarle, in an effort to achieve and maintain such levels of air quality as to protect human health, welfare, and the safety of its residents, has regulated open air burning within the Cou

**What is open air burning?** The burning of any matter in such a manner that the products resulting from combustion are emitted directly into the atmosphere without passing through a stack, duct, or chimney.

**Guide to Residential  
Open Air Burning**

**Guide to Agricultural  
Open Air Burning**

[View Entire Text of the Applicable Burn Laws](#)

[View Current Reported Open Air Burns](#)







Questions?





I move to adopt the ordinance attached to the staff report as Attachment B