

VA Dept. of Forestry Burn Law 10.1-1142

- A.** It shall be unlawful to set fire to any woods, brush, logs, leaves, grass, debris or other inflammable material upon such land unless all reasonable care and precaution has been taken by having cut and piled or carefully cleared around the material to prevent the spread of such fire to lands other than those owned or leased by him. This also applies to any employee of any such owner or lessee of said land.
- B.** Except as provided in subsection C, during the period February 15 through April 30 of each year, even though the precautions required by the foregoing subsection have been taken, it shall be unlawful in any county, city or portion thereof organized for forest fire control under the direction of the State Forester, to set fire to any brush, leaves, grass, debris or field containing dry grass or other inflammable material capable of spreading fire, located in or within 300 feet of any woodland, brushland or field containing dry grass or other inflammable material, except between the hours of 4:00 p.m. and 12:00 midnight.
- C.** Subsection B shall not apply to any fire set between February 15 and March 1 of each year, if: 1) The fire is set for “prescribed burning” that is conducted in accordance with a “prescription” and managed by a “certified prescribed burn manager” as those terms are defined in § 10.1-1150.1; 2) The burn is conducted in accordance with § 10.1-1150.4; 3) The State Forester has, prior to February 1, approved the prescription for the burn; and 4) The burn is being conducted for one of the following purposes: (i) control of exotic and invasive plant species that cannot be accomplished at other times of the year; (ii) wildlife habitat establishment and maintenance that cannot be accomplished at other times of the year; or (iii) management necessary for natural heritage resources. The State Forester may on the day of any burn planned to be conducted pursuant to this subsection revoke his approval of the prescription for the burn if hazardous fire conditions exist. The State Forester may revoke the certification of any certified prescribed burn manager who violates any provision of this subsection.
- D.** Any person who builds a fire in the open air or uses a fire built by another in the open air, within 150 feet of any woodland, brushland or field containing dry grass or other inflammable material, shall totally extinguish the fire before leaving the area and shall not leave the fire unattended.
- E.** Any person violating any provisions of this section shall be guilty of a Class 3 misdemeanor for each separate offense. If any forest fire originates as a result of the violation by any person of any provision of this section, such person shall, in addition to the above penalty, be liable to the Commonwealth for the full amount of all expenses incurred by the Commonwealth in suppressing such fire. Such amounts shall be recoverable by action brought by the State Forester in the name of the Commonwealth on behalf of the Commonwealth and credited to the Forestry Operations Fund.