

OPEN BURNING

The International Fire Code in the commentary under section 302 states.

A recent innovation that is sometimes incorrectly treated as open burning is the patio fireplace. These devices function the same as a masonry or factory-built indoor fireplace except that they are portable, outdoor, solid-fuel-burning patio fireplaces designed to provide ambience and warmth in outdoor settings. They come in many styles and are generally substantially constructed of steel with heavy-duty screening around the firebox, although some types are made of concrete or clay with a small hearth opening and are equipped with a short chimney or a chimney opening in the top. The design also includes a stand to elevate the firebox above the surface upon which it is placed to provide clearance to combustible materials. These devices neither meet the literal definition of "Open burning" nor are their use the type of burning intended to be regulated by Section 307, examples of which could include disposal of brush, construction rubbish or household waste by burning in the open. Stoves, incinerators or other controlled burning devices, which would include patio fireplaces; do not fall under the open-burning regulations.

However they must burn Class A materials. They do apply to the regulations of emitting any offensive odors or smoke, in that case they can be ordered to put the fire out. They must also have a way of extinguishing the fire readily available, if an emergency were to arise. They must also be 15 feet from a structure if they fall below 3 feet in diameter and 2 feet in height. If the size is over that they must be 25 feet from a combustible structure.

Recreational fires are also permissible and fall under section 307.3.2 in the Fire Code. The fire **must be 25 feet from a structure and a way of extinguishing the fire must be readily available.** The fire **must be attended at all times** while the fire is burning and all combustibles surrounding the fire pit must be cleared away. It **must not be over 3 feet in diameter and 2 feet in height.** **If there is a complaint from a neighbor we still can order the fire to be put out** if there is objectionable smoke or odor being emitted from the fire or the above conditions are not met.

Bonfires are only allowed if someone has a permit from the Fire Marshals' office and following the rules outlined on that sheet. It can burn for no more than 3 hours and must be monitored the whole time. Must be at least 50 ft. from a structure and have a way to put it out. It must be no bigger than 5x5x5

I hope this helps and common sense must come into play on this issue to keep the citizens feeling that they have been treated fairly.
If you have any comments or concerns regarding this please feel free to respond or stop in.

Thanks,

*Bob Hess Fire Marshal
Middletown Division of Fire*