

# RECREATIONAL FIRES & OPEN BURNING GUIDELINES



**Town of Brighton  
Office of the Fire Marshal**

MAY 2020

# Recreational Fires & Open Burning Guidelines

## Purpose

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The intent of this guideline is to provide the minimum standards necessary to meet the safety requirements when using outdoor barbeques and recreational fires such as pit barbeques, in addition to the requirements for open burning. The requirements are prescribed in 2020 Fire Code of New York State.

## Scope

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This guideline applies to open burning, recreational fires and commercial barbeque pits. Permits are required to conduct open burning. Open burning is also regulated by New York State Environmental Conservation Law, § 9,19, 6 NYCRR Part 215 Open Fires.

## Code of the Town of Brighton

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Article I, Section 73.1 of the Code of the Town of Brighton prohibits open burning of grass, brush, leaves, rubbish, building materials and/or other combustible or flammable materials is prohibited except where written permission from the Monroe County Health Department and the Town of Brighton Fire Marshal has been obtained at least 30 days in advance of said burning.

Fires used for the sole purpose of preparing food shall be exempt from the open burning regulation.

## Fire Code of New York State - Definitions

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**Bonfire** shall be defined as an outdoor fire utilized for ceremonial purposes.

**Open Burning** shall be defined 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 or recreational fires. 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 external gas are open.

**Portable Outdoor Fireplace.** A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

**Recreation Fire** shall be defined as an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purpose.

## Requirements

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**Section §307.1 General.** A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this section.

**Section §307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local (Monroe County) air and water quality management authority, provided that all conditions specified in the authorization are followed.

**307.3 Extinguishment authority.** Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.

**§307.4 Location.** The location for open burning shall not be less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15 240mm) of any structure.

**Exceptions:**

- (1) Fires in approved containers that are not less than 15 feet (4572 mm) from a structure;
- (2) The minimum required distance from the structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

**§F307.4.1 Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.

**§F307.4.2 Recreational fires.** Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

**§307.4.3 Portable outdoor fireplaces.** Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material.

***Exception: Portable outdoor fireplaces used at one and two-family dwellings.***

**307.5 Attendance.** Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher with a 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

## **Administration**

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Recreational fires and portable outdoor fireplaces are a privilege and allowed for special occasions by the Fire Marshal. A recreational fire, which creates property damage, personal injury or is deemed a nuisance, may be cause for further legal actions to be taken by the Office of the Fire Marshal or the Brighton Police Department.

Requests for outdoor recreational fires have become a popular activity and concern within the Town of Brighton, especially with recent marketing and sales of portable outdoor fireplaces, made of metal, ceramic and like materials. The Office of the Fire Marshal has allowed burning for recreational purposes consistent with state, county and local codes and laws, using the following guidelines:

**FIRE SAFETY** must always be followed.

Recreational fires must be of the same size as in fireplaces (no larger than 3 feet in Diameter; no taller than 2 feet in Height), suggested to be located 25 feet from combustible structures (houses, fences, sheds, garages, wooden decks, similar structures) and conducted on non-combustible surfaces.

Materials for burning must be clean seasoned firewood (wet wood, fresh cut wood, painted or stained wood creates smoky conditions and is not allowed to be burned).

A competent adult supervision must be at site while fire is burning. A competent adult supervision is someone over 18 years of age, not impaired by drugs, alcohol or having a medical or mental condition which would impair their ability to take proper actions if required.

A source of water must be available to control or extinguish any fire (charged garden hose hooked up to a water supply, multiple pails of water or a 4-A rating fire extinguisher).

No new materials may be added to a fire after 10 PM, fire must be extinguished before abandoning.

Fire cannot create a nuisance. Smoke and/or odors may be considered a nuisance.

Outdoor portable fireplaces made of metal, ceramic and like materials and contained with that approved appliance. The approved appliances must follow these same rules and not be placed on any combustible materials (decks, porches, tables, ect.) They are suggested to be located not less than 15 feet from a combustible structure and must be extinguished before abandoning.

The most common complaint from neighbors is when recreational fires are not conducted in accordance with the rules and regulations, or when the environmental conditions cause the smoke to migrate off the property into the residence of neighboring property. Persons with chronic breathing problems can often be affected by these conditions.

Another issue that commonly comes up associated with recreational fires, is noise and disturbance of the neighborhood when these events extend late into the evening. This is a police matter and will be dealt with by the Brighton Police Department.

If the Chief Fire Marshal orders you to extinguish your fire due to non-compliance with the rules and regulations, or the fire creates an offensive or objectionable condition, you are bound by law to comply with the request. Failure to do so may result in you being charged with violation of the open burning regulations.

Bonfires must be approved by the Office of the Fire Marshal at least 30 days prior to event. Bonfire permits normally are only issued for community type events such as ceremonial events, pep rallies and neighborhood association gatherings.

Any fire causing the fire department or police department to be called maybe considered by the responding official as a nuisance fire. Nuisance fires must be extinguished.

Do not hesitate to contact the Office of the Fire Marshal at (585) 784-5220, if you have any questions regarding this or any other fire safety concerns.