



TOWN OF PORTER

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Recreational Fires & Open Burning Guidelines for the Town of Porter

Purpose

The intent of this guideline is to provide the minimum standards necessary to meet the safety requirements when using **outdoor barbecues** and **recreational fires** such as **pit barbecues**, in addition to the requirements for **open burning**. The requirements are prescribed in 2020 Fire Code of New York and NYSDEC regulation Title 6 CRR-NY part 215.

No Open Burning of any kind between March 15 and May 15

Do Not Burn Garbage, Leaves, Plastics, Tires, Treated/Coated Wood, and Plywood

Scope

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

Fire Code of New York State - Definitions

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, barbecue grill or barbecue 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 and or similar purpose.

Requirements

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.

§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 (Niagara 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 Code Enforcement Officer 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.

§307.4.1 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

Recreational fires and portable outdoor fireplaces are a privilege and allowed for special occasions by the Code Enforcement Officer. 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 Code Enforcement Officer and or the Niagara County Sheriff Department.

The Code Enforcement Officer may allow 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 3 feet in Height), 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, pressure treated wood, fresh cut wood, painted or stained wood creates smoky conditions (nuisance fire) and is not allowed to be burned).

Competent adult supervision must be at site while fire is burning. 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 pans 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.

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

Outdoor portable fireplaces made of metal, ceramic and like materials and contain a fire within that approved appliance. The approved appliances must follow these same rules (all) and not be placed on any combustible materials (decks, porches, tables, etc.) They may not be located 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 an Enforceable matter and will be dealt with by the Niagara County Sheriff Department or Town of Porter Code Enforcement Officer.

If a Code Enforcement Officer and or Deputy Sheriff 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 NYSDEC and or a Temporary Use permit issued By the Town of Porter, at least 30 days prior to such event. Bonfire Temporary Use 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 Sheriff 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 Code Enforcement Office of the Town of Porter at (716) 745-3730, ext. 7, if you have any questions regarding this or any other fire safety concerns.

Website resources:

- ✓ <http://cceniagaracounty.org/environment/open-burning>
- ✓ <https://www.dec.ny.gov/chemical/32060.html>