



OLD TAPPAN BUREAU OF FIRE PREVENTION

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RULES FOR RECREATIONAL FIRES AND OPEN BURNING

There are multiple rules concerning recreational fires in the State of New Jersey depending upon the fuel being used, the size of the container the fire is in, and whether or not the container is permanent and approved.

Permanent masonry outdoor fireplaces are regulated by local zoning and NJ Uniform Construction Code (UCC) requirements, and need a permit prior to construction. Natural gas fueled fire bowls and log sets are also regulated by local zoning laws and the UCC. Nearly all other forms of open burning are regulated by the NJ Uniform Fire Code (UFC) and enforced by the Bureau of Fire Prevention.

The rules for open burning and recreational fires as outlined in the International Fire Code, New Jersey Edition (2015), key sections of which have been summarized below.

NJ Uniform Fire Code Rules Regarding Recreational Fires and Open Burning

- Open burning is 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...recreational fires or use of portable outdoor fireplaces.”*
- **Fires in approved containers such as portable outdoor fireplaces (chimineas) and grills are permitted, provided that such fires are not less than 15 feet from any structure or combustible material, including dwellings, sheds, canopies, any other structure on the property, or the property line.** Approved containers shall be used in accordance with the manufacturer’s instructions.
- Section 307.2 states, *“open burning shall be allowed without prior notification to the fire official for recreational fires.”* Recreational fires are defined as *“an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an...outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.”* **Recreational fires would include fire pits and backyard fire rings less than 3’ in diameter and 2’ high. Minimum clearances to combustibles and property lines for this type of fire is 25 feet.**
- **All other open burning shall be not less than 50 feet from any structure.**
- Section 307.1.1 states, *“open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.”* That means that even if you have your fire in a fire pit or chiminea, **if the setup or the weather conditions causes a high risk for fire spread, you may not start or maintain the fire.** Local law enforcement or the fire department may order the extinguishment of any fire under these conditions. Whenever a law enforcement officer or the fire department requires the extinguishment of any open burning, there is no appeal process and failure to extinguish the fire as ordered may result in severe penalties.
- Section 307.5 states, *“open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be **constantly attended until the fire is extinguished.**”* Additionally, you are required to have a portable fire extinguisher, garden hose, or other means of fire extinguishment available for immediate utilization.

- Section 307.2.2 states, “open burning shall not be utilized for waste disposal purposes, shall be of the minimum size for the intended purpose, and the fuel shall be chosen to minimize the generation and emission of air contaminants.” **This means you cannot burn leaves, trash or yard waste for disposal purposes.** The fire chief, fire official or any other code enforcement department within the Borough may order any outdoor fire which unreasonably interferes with the health, safety or welfare of neighboring residents or properties, to be extinguished.
- Open burning of any kind is **prohibited on public property**, including parks, streets, sidewalks and any other public recreation areas.
- Open-Flame Cooking Devices and Outdoor Fireplaces (Section 308.1.4) states that “charcoal burners, other open-flame cooking devices, and outdoor fireplaces shall not be operated or stored:”
 - On any porch, balcony, deck or any other portion of a building;
 - Within any room or space of a building;
 - Within 5 feet of any combustible construction;
 - Within 5 feet, vertically or horizontally, of an opening in any wall; or
 - Under any building overhang.
 - Similar rules apply to Liquid Propane (LPG) barbeque grills (Section 308.1.4.1) – with 10’ clearance to combustibles.
 - These rules *do not apply* to detached owner-occupied one- and two-family dwellings, but following these precautions are still advisable.
- Outdoor fires are prohibited at any R-2 (N.J.A.C. 5:70-4.1) use group (apartments and multifamily dwellings).

There are other rules regarding open burning and recreational fires. If the type of fire you wish to maintain does not appear in these rules, please contact our office prior to your event or lighting and ensure that the burning is permitted. Open burning that is larger than that permitted for the recreational fires described above requires a Fire Prevention permit, and must be at least 50 feet (15,240 mm) from any structure or combustibles. Permits are issued or denied at the discretion of the Fire Marshal.

Bonfires are not permitted to be lit or maintained without a permit from Fire Prevention. Bonfires are defined as “An outdoor fire utilized for ceremonial purposes.”

The lighting of fireworks is also prohibited.

Evan Kutzin
Fire Marshal