



# TOWNSHIP OF MEDFORD

## DEPARTMENT OF FIRE & EMS

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Emergencies: **911** ■ Web Site: [www.medfordfire.org](http://www.medfordfire.org)

### Rules for Fire Pits - Open Burning

There are multiple rules regarding fire pits in the State of New Jersey depending upon the fuel the pit burns, the size of the container the fire is in, and whether or not the fireplace structure is permanent and approved. Permanent masonry outdoor fireplaces are regulated by local zoning and NJ Uniform Construction Code (UCC) requirements and need a permit before construction. Natural gas-fueled fire bowls and log sets are also regulated by local zoning laws and the UCC. Citronella candles and other types of small table-top candles are permitted, but adequate clearances should be maintained to combustibles.

All other forms of open burning are regulated by the NJ Uniform Fire Code (UFC) and enforced by the Township of Fire Marshals Office. **Open burning of any kind is prohibited on public property, including beaches, beach paths, streets, sidewalks, and public recreation areas.** Open burning includes, but may not be limited to portable open burning clay solid-fueled fireplaces known as “chimeneas,” small round “campground” fireplaces, bonfires, elevated torches known as tiki torches, and sky lanterns (also known as Kongming or wish lanterns), fireworks of any kind (including “firecrackers and “sparklers”), and rubbish.

Bonfires are not permitted to be lit or maintained without a permit from the Medford Fire Marshal’s Office. The lighting of fireworks is prohibited. The burning of leaves or other waste vegetation is prohibited. The rules for open burning and recreational fires as outlined in the International Fire Code, New Jersey Edition (2015) appear below.

### NJ Uniform Fire Code Rules Regarding Open Burning and Recreational Fires

For all types of open burning except fireplaces inside single family dwellings:

- Section 307.1.1 states, “*Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.*”
- “*Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.*” That means that even if you have your fire in an approved container if a neighbor complains that the smoke odors are objectionable, or weather causes a high risk of spread of fire, you may not start or maintain the fire, and law enforcement or the fire department may order the extinguishment of any fire. 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 arrest and/or severe monetary penalties.

For solid fueled (wood, coal, etc.) recreational fires:

- Section 307.4.2 states, “*Recreational fires shall not be conducted within 25 feet (7,620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition. Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet (4,572 mm) from any structure.*” That means if you have an approved container, the minimum clearance to any structure, including dwellings, sheds, canopies, any other structure on the property, or the property line, must be at least 15 feet. Only containers approved after the

UCC permit and inspection process fall into the category of an “approved container”. With the exception of BBQ grills, other containers are not approved, and therefore the further distance of 25 feet clearance applies.

- A recreational fire is (Section 202), “...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 purposes.” Minimum clearances to combustibles and property lines for this type of fire is 25 feet.
- Barbeque Grills and Charcoal burners (Section 308.1.4) “Charcoal burners, other open-flame cooking devices, and outdoor fireplaces shall not be operated or stored on combustible balconies or decks or within 5 feet (1524 mm) of combustible construction.
- The same rules apply to Liquid Propane (LPG) barbeque grills (Section 308.1.4.1).

Small decorative fires used for lighting or ambiance are not permitted in commercial uses. In residential uses, these small fires, such as “tiki torches” must self-extinguish if they are tipped over, OR must return to the upright position when tipped over, contain no more than 8 oz. of fuel, not leak more than 0.25 teaspoon of fuel or wax per minute, and the flame must be enclosed. There is no minimum clearance established for these types of small fires, however, consideration should be given to the environment and should not be lit or maintained near combustibles.

## **NJ Forest Fire Service Regulations**

### **NEW JERSEY FOREST FIRE SERVICE REGULATIONS SUMMARIZED**

- Fire permits-forest fire laws of title 13, Chapter 9 New Jersey State Forest Fire Service declared that: “No persons shall set fire to or cause to be set on fire in any manner whatsoever: or to start fires anywhere and permit them to spread to the forest without obtaining written permission by the department.”
- The “General Forest Fire Act” (N.J.S.A. 13:9 et. Seq.) requires that before having any fire within a forested area, you must contact the nearest Forest Fire Service office to request a permit. You may also need a permit from the local Fire Marshal /Official.
- No permits will be issued for a fire that is in violation of the State Air Pollution Code or conflicts with the New Jersey Uniform Fire Code.
- Fire wardens may place any restrictions or special conditions on burning those local conditions may warrant.
- Prohibited Under “Control and Prohibition of Open Burning” (N.J.A.C. 7:27-2.1 et. Seq.)

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 before 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, whether or not the fire is on public property. Permits are issued or denied at the discretion of the Fire Marshal.

Brian Widmann  
Fire Marshal