



**NASSAU COUNTY FIRE COMMISSION
OFFICE OF THE FIRE MARSHAL**

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FIRE MARSHAL BULLETIN

Friday, October 27, 2023

Outdoor Fire Pit / Fireplace Equipment Requirements

Definitions:

BONFIRE- An outdoor fire utilized for ceremonial purposes.

OPEN BURNING- 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, *recreational fires* or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time of combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PORTABLE OUTDOOR FIREPLACE- A portable, outdoor, solid fuel burning fireplace that may be constructed of steel, concrete, clay, or other non-combustible material. A portable outdoor fireplace may be open in design or may be equipped with a small hearth opening and a short chimney opening in the top.

RECREATIONAL FIRE- An outdoor fire burning material other than rubbish where the fuel being burned is not contained in an incinerator.

SKY LANTERN- An unmanned device with a fuel source that incorporates an open flame in order to make the device airborne.

Nassau County Fire Prevention Ordinance, Article XIV, section 14.3 Bonfires, Recreational Fires & Open Burning.

14.3.1 No person shall kindle, maintain, authorize, or permit any bonfires, recreational fires or open burning on or in any street, alley, road, land or public grounds or upon any private lot, unless conducted in accordance with this section and with the Building and Fire Code of New York State and with Part 215 of Chapter III of the regulations of the New York State Department of Environmental Conservation. Except for fires that are used to dispose of a flags or religious items that are used in connection with a religious ceremony as defined in the Fire Code of New York State.

Nassau County Fire Prevention Ordinance, Article XIV, section 14.4 Deposit of Materials Liable to Spontaneous Ignition.

14.4.1 Hot ashes, cinders, smoldering coals or greasy or oily materials subject to spontaneous ignition shall not be deposited in a combustible receptacle, within ten (10) feet of building openings or other combustible material including combustible construction.

14.4.2 Such materials, when deposited in non-combustible receptacles may not be within four (4) feet of building openings or other combustible material including combustible construction.

Fire Code of New York State Section 307 Open Burning and Recreational Fires:

307.1.1 Prohibited open burning.

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fire hazards.

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 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 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 of open burning shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent fire from spreading to within fifty (50) feet of any structure.

Exceptions:

1. Fires in approved containers that are not less than fifteen (15) feet from a structure.
2. The minimum required distance from a structure shall be twenty-five (25) feet where the pile size is three (3) feet or less in diameter and two (2) feet or less in height.

307.4.1 Bonfires.

Bonfires shall not be conducted within fifty (50) feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within fifty (50) feet of a structure shall be eliminated prior to ignition.

307.4.2 Recreational fires.

Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible material. Conditions which could cause a fire to spread within twenty-five (25) feet 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 fifteen (15) feet of a structure or combustible material.

307.5 Attendance.

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one (1) portable fire extinguisher complying with (FC of NYS) Section 906 with a minimum 4-A (10lb. ABC Class) rating shall be available for immediate utilization.

308.1.6.3 Sky lanterns.

A person shall not release or cause to be released an untethered sky lantern.

The equipment and situations referenced in this notice shall be investigated and inspected on a case-by-case basis to determine the needs and requirements of each individual location. This letter of codes and requirements shall not be applied as a general approval of any installation but shall be used as an instrument to determine conformance or non-conformance with the Fire Code of New York State and the Nassau County Fire Prevention Ordinance. It should be understood, that more restrictive codes and regulations may exist with other government agencies or in local towns, villages, or cities.

Important! – Check the NYS Department of Environmental Conservation (www.dec.ny.gov) for any 'Burn Bans' or 'Red Flag Advisories' which would ban the use of outdoor fire pits / fireplaces and any open burning that would produce embers capable of igniting dry vegetation and brush.

