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Bureau of Fire Prevention

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Rules for Fire Pits - Open Burning

There are different rules regarding recreational fires in Avalon depending upon fuel, size, type of open flame device or structure, the size of the container that contains the fire, and whether or not the fireplace structure is permanent and approved. Masonry outdoor fireplaces are permanent structures and are regulated by local zoning and the NJ Uniform Construction Code (UCC). Natural gas fueled fire bowls and log sets must be installed per the manufacturers' instructions, may not be within 5 feet of property lines and combustible construction, and are also regulated by the UCC. Liquid propane fired fire bowls and features are permitted, but may not be used within 5 feet of combustible construction or the property lines. Citronella candles and table-top candles are permitted, but adequate clearances must be maintained to combustibles and they should never be placed within 5 feet of the property line.

All other forms of open burning are regulated by the NJ Uniform Fire Code (UFC) and enforced by the Avalon Bureau of Fire Prevention, Avalon Code Enforcement, and the Avalon Police Department. **Open burning of any kind is prohibited on public property, including BEACHES, beach paths, streets, sidewalks, parking areas, Borough marinas, 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"), brush, and rubbish.

Bonfires are not permitted to be lit or maintained without a permit from the Avalon Bureau of Fire Prevention. The lighting of fireworks is prohibited. The burning of leaves or other waste vegetation is prohibited (please call Avalon Department of Public Works for instructions on disposing of waste vegetation). The rules for open burning and recreational fires as outlined in the International Fire Code, New Jersey Edition (2006) 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 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 the 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, pellets, 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 through the UCC permit and inspection process are “approved containers.” With the exception of BBQ grills, other containers are not approved, so the further distance of 25 feet clearance applies.
- A recreational fire is (Section 302.1), *“...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 clearance to combustibles and property lines for this type of fire is 25 feet. A common example is a wood burning fire bowl with a screen
- Barbeque Grills and Charcoal burners (Section 308.3.1) *“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.*

Exceptions:

- 1. Detached one- and two-family dwellings*
- 2. Where buildings, balconies and decks are protected by an automatic sprinkler system.*

Minimum clearance to combustibles and property lines is 5 feet. The same rules apply to Liquid Propane (LPG) barbeque grills (Section 308.3.1.1). It is important to note that while BBQ grills are exempt from the balcony and deck requirements under the UFC, the equipment is still required to be used in accordance with the manufacturer’s instructions and its listing. Liquid propane cylinders must never be stored inside a dwelling, whether attached or detached from the equipment. Outdoor LP heaters also fall into this category of appliance.

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.

There are other rules regarding open burning and recreational fires. If the type of fire you wish to maintain does not appear herein, please contact the Avalon Bureau of Fire Prevention 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 an Avalon Bureau of 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 for open burning are issued or denied at the discretion of the Avalon Fire Official.