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Bureau of Fire Prevention

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Rules for Recreational Fires & Open Burning

Definition

APPROVED. Acceptable to the fire code official.

Open burning of any kind is strictly prohibited on public property, including BEACHES, beach paths, the boardwalk, streets, sidewalks, parking areas, borough marinas, and public recreation areas (Avalon Borough Code Section 9.6-10). All other forms of open burning are regulated by N.J.A.C. 5:70, the *NJ Uniform Fire Code* (UFC) and/or Borough Ordinance and enforced by the Avalon Bureau of Fire Prevention, Avalon Code Enforcement, and the Avalon Police Department as applicable.

Rules regarding recreational fires in Avalon differ depending upon use or purpose, fuel, potential fire size, the size of the fireplace container, type of open flame device or structure, and whether or not the fireplace is permanent or of an *approved* type. Masonry outdoor fireplaces are permanent accessory structures and are regulated by local zoning and the *NJ Uniform Construction Code* (UCC). Zoning and building permits may be required for an outdoor masonry fireplace. Natural gas fueled fire bowls and log sets must: be installed in strict accordance with the manufacturers' instructions, be compliant with Avalon Borough Code, used in accordance with rules for equipment and utilities in a flood hazard zone, and shall not be located within 5 feet of property lines, combustible construction, beneath combustible construction. They are regulated by the *UCC* and a construction permit is required for the installation.

Recreational fires are permitted on privately owned lots as long as the fires are in accordance with the *UFC*. ***Approved recreational fires are limited to 3 ft. diameter and less than 2 ft. in height and must be placed a minimum of 25 ft. from buildings, combustibles and the property lines* (NJAC 5:70-3,307.4.2).** ***Recreational fires in approved containers must be placed a minimum of 15 feet from buildings, combustibles, and the property lines.*** *Approved* containers include, but may not be limited to portable solid fueled (wood or pellet burning) clay fireplaces known as "chimeneas," "campground" style fire bowls with screen covers, and screen covered fire-pits. All recreational **fires, regardless of size, must be constantly attended** and the means to extinguish the fire must be on hand and at the ready in the area of the fire. Portable fire extinguishers and/or garden hoses qualify as on-hand fire extinguishing agents.

Liquid propane (LPG) fired fire bowls and features shall not be used within 5 feet of combustible construction, beneath combustible construction, or the property lines, and these appliances must be used in strict accordance with the manufacturers' instructions. Only LPG appliances listed for use on top of combustible construction are permitted on combustible decks. All other LP gas appliances shall be operated in strict accordance with the manufacturers' instructions.

Elevated torches such as tiki torches, citronella candles, and table-top candles are *approved*, but adequate clearance must be maintained to combustibles and they shall not be placed within 5 feet of the property line.

Solid fuel piles of greater than 3 ft. diameter and/or 2 ft. in height are defined as *bonfires* and are prohibited. Permits are required for these types of recreational fires and are only rarely granted for public events sanctioned and/or sponsored by the Borough of Avalon.

The release of untethered sky lanterns (a.k.a. Kongming or wish lanterns) is prohibited in Avalon and the State of New Jersey. Fireworks are prohibited with the exception of sparklers and small ground effect pyrotechnics permitted by the *UFC* and Borough Ordinance. **Fireworks of any kind which launch into the air, in whole or in part, are strictly prohibited.** No open flame, ignition device, or smoking material may be thrown or placed where it can cause an unwanted fire.

The burning of leaves or other waste vegetation is prohibited. Please call the Avalon Department of Public Works at 1+ (609) 967-7697 for instructions on proper disposal and municipal collection of waste vegetation.

PYROTECHNIC, OPEN FLAME OR SMOKE EFFECTS REQUIRE PERMITS FROM THE BOROUGH OF AVALON AND THE BUREAU OF FIRE PREVENTION PRIOR TO EVENT OR SHOW SET UP. This regulation includes the use of so-called "cool" or "cold" forms of pyrotechnic devices. **Pyrotechnics of any kind ARE NOT permitted to be used indoors.**

NJ Uniform Fire Code (N.J.A.C. 5:70-3) Rules Regarding Open Burning and Recreational Fires (Code citations International Fire Code – 2015 N.J. Edition)

For all types of open burning except for *approved* fireplaces inside buildings:

- Section 307.3. *"Where open burning creates or adds to a hazardous situation, or a required permit has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation."* This section means that if a complaint is made that smoke odors are objectionable, or weather causes a risk of fire spread, the fire may be ordered extinguished even if you are using an approved container. Failure to immediately extinguish open burning or recreational fires as ordered by the fire code official, a law enforcement officer, or the fire department may result in arrest and/or severe monetary or other adjudicated penalties.

Other fire code sections related to Recreational Fires in Avalon

- 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..." the International Fire Code.
- Section 307.4 Location (Bonfires). *"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 (15 240 mm) of any structure."*
- Section 307.4.2 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. Fires in approved containers (ex. fire bowls, solid fueled fire tables) shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure.
 - 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: one- and two-family dwellings (owner occupied only; tenant occupied must comply)*).
- Section 307.5 Attendance. Open burning,... recreational fires and use of outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher... with a minimum 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.
- Section 308.1.4 Open-flame cooking devices and outdoor fireplaces. "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 (including property lines).
Exceptions:
 1. Detached one- and two-family dwellings (owner occupied only; tenant occupied must comply)
 2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
 3. LP-gas cooking devices having an LP-gas container with a water capacity not greater than 2 ½ pounds (small camp style grills)

(NOTE: Natural gas fueled grill locations must be permitted and approved under the UCC)

With the exception of candles, the use of open flame of any kind in or about commercial uses is regulated. Please call the Avalon Bureau of Fire Prevention for information and guidance for open burning at commercial establishments.

This document covers most information requests with regard to open burning. There are additional rules regarding open burning and recreational fires that cannot be covered in this guidance document. If the type of fire you wish to use does not appear in this document it is almost certainly regulated. Please contact the Avalon Bureau of Fire Prevention prior to your event or lighting and ensure that the planned burning is permitted.

The Borough of Avalon, the Avalon Volunteer Fire Department, Avalon Public Safety, and the Avalon Bureau of Fire Prevention wish for everyone to enjoy outdoor open spaces safely. Unlawful fireworks, open burning, and BBQ grills result in damaging fires in Avalon every year. Fireworks are best left to the experts. BBQ grills should be cleaned of grease drippings after each use and maintained in good working order and in accordance with the manufacturers' instructions. Always ensure that all fires are completely extinguished prior to leaving the device unattended. Embedded coals can stay hot enough to cause ignition long after the material surface seems cool to the touch. Never discard hot or warm coals into a combustible container like a plastic trash can.