

## **OUTDOOR BURNING**

Unauthorized **open burning** is prohibited within the limits of the Town of Gates. Also prohibited is any burning of garbage, rubbish containing paper products, yard or construction waste, treated wood, and other prohibited material.

**OPEN BURNING** is defined in the NYS Fire Code 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 road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires.

**RECREATIONAL FIRE** is defined in the NYS Fire Code as: An outdoor fire 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 or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

**Fires used for debris disposal purposes are not considered recreational fires.**

**BONFIRE** is defined in the NYS Fire Code as: An outdoor fire utilized for ceremonial purposes.

### **RECREATIONAL FIRES**

Residents are allowed to **safely** enjoy outdoor recreational fires under the NYS Fire Code if these safety requirements are followed:

- Fire extinguishing equipment (garden hoses, buckets, shovels, or a portable fire extinguisher) shall be available and ready for use.
- The recreational fire shall be supervised by a responsible adult, knowledgeable in the use of the fire extinguishing equipment, at all times until such fire has been completely extinguished.
- The size of the recreational fire is to be limited to a total fuel area of 3 feet in diameter and 2 feet or less in height.
- An adequate distance / clearance of a recreational fire shall not be less than 15 feet from combustibles (i.e. overhead structures, wood, paper, cardboard, buildings, sheds, yard waste debris, etc.).

A **recreational fire** shall be extinguished if any of the following conditions exist:

- The fire is determined to be **open burning** as defined above.
- Significant wind conditions exist, contributing to potential fire spread.
- Smoke generated from the fire is causing an excessive nuisance to neighbors.
- There is inadequate clearance (<15') from combustible materials (i.e. overhead structures, wood, paper, cardboard, buildings, sheds, yard waste debris, etc.).
- Inadequate supervision by a responsible adult (constant attendance is required).
- Burning of prohibited material that normally releases toxic emissions, dense smoke or obnoxious odors when burned.
- Other prohibited materials are being burned (i.e. yard or construction waste, garbage, treated wood, plastics, rubber, etc.).

## **BONFIRES**

Residents are allowed to safely enjoy outdoor bonfires under the NYS Fire Code if these safety requirements are followed:

- Fire extinguishing equipment (garden hoses, buckets, shovels, or a portable fire extinguisher) shall be available and ready for use.
- The bonfire shall be supervised by a responsible adult, knowledgeable in the use of the fire extinguishing equipment, at all times until such fire has been completely extinguished.
- A bonfire shall not be conducted within 25 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 25 feet of a structure shall be eliminated prior to ignition.
- A permit for a bonfire shall be issued by the office of the Gates Fire Marshal at least 7 days prior to the event.

**Fire / Police Officers are authorized to require the immediate discontinuance and extinguishment of any fire that constitutes a hazardous condition.**

**ILLEGAL** use of open flame in a residential setting:

- OPEN BURNING as defined in this document.
- BONFIRE without a permit
- RUBBISH FIRE
- WARMING FIRE

**ACTION** for Fire Officers to take when responding to an OPEN BURNING incident:

1. Determine whether or not the fire qualifies as a legal recreational fire (see above).
2. If the fire is determined to be an open burning fire, require the fire be extinguished because it constitutes a hazardous condition.
3. Contact the Gates Police Department for assistance if the residents are argumentative.
4. Forward a copy of the report to the Office of the Fire Marshal for follow-up or enforcement of the NYS Fire Code.
5. Contact a representative of the Office of the Gates Fire Marshal if questions arise during or after an open burning incident.