



## FIRE PREVENTION GUIDELINE

<b>Title: Open Burning, Recreational &amp; Cooking Fires</b>		
<b>Number:</b> FPG-05	<b>Effective Date:</b> 01/01/2008	<b>Revised Date:</b> 11/01/2018
<b>Code References:</b> California Fire Code (CFC), California Code of Regulations (CCR) Title 19, Merced Municipal Code (MMC), San Joaquin Valley Unified Air Pollution Control District (SJVAPCD)		
<b>Note:</b> <i>This guideline is a summary of Fire Department clarifications and interpretations of City and State Codes and nationally recognized standards in accordance with the currently adopted edition of the Fire Code. Information contained herein applies to typical circumstances and may not address all situations.</i>		

### SCOPE

This Guideline has been developed to assist the public with rules and regulations that govern open burning.

### CODES AND GUIDELINES

This guideline shall apply to all burning in the City of Merced including agricultural burns, cooking fires, indoor and outdoor fireplace fires and other approved fires in accordance with the San Joaquin Valley Air Pollution Control District (SJVAPCD); California Fire Code; California Code of Regulations, Title 19; and the Merced Municipal Code.

### PERMITS REQUIRED

A City of Merced Fire Code permit is required for agricultural burns and commercial barbeque pits. Additional permits and approvals are required by the SJVAPCD.

### DEFINITIONS

**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 recreational fires. CFC 302 Example: Bonfires directly on the ground.

**OPEN BURNING PERMIT** - A permit shall be obtained from the fire code official in accordance with CFC Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled. CFC 307.2 Exception: Recreational fires.



**RECREATIONAL FIRE** – An outdoor fire burning materials other than rubbish (trash) where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable 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. CFC 302

**PORTABLE OUTDOOR FIREPLACE** – A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay, or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top. CFC 302

**BARBECUE PIT** – Is the in-ground, non-commercial, cooking of large portions of meats or vegetables and is generally considered single events.

**CAMPFIRE** – An attended recreational fire at a designated campground or in a Wildland, as defined in when approved by the appropriate land manager. A campfire shall not be larger than three feet in diameter and the fuel must be clean, dry wood with no other debris, trash, garbage or refuse. SJVAPCD Rule 4106 (Prescribed Burning and Hazard Reduction Burning)

## **SPECIFIC REQUIREMENTS**

### **PROHIBITED FIRES**

1. All open burning is prohibited by the SJVAPCD, unless it falls within the exemptions described in SJVAPCD Rule 4103 - Open Burning. Examples of prohibited fires would be: bonfire, campfire, burn barrel and warming fire.
2. No person shall throw, place or scatter any garbage upon the surface of any premises or bury or burn the same thereon. Merced Municipal Code 8.04.060 – Scattering, burying or burning garbage.

### **OPEN BURNING & BONFIRE**

1. Must be permitted by the City of Merced Fire Department when conducted anywhere within the city limits. CFC 307.2 Permits are issued through Fire Prevention
2. Approval from SJVAPC (SJVAPCD Rule 4103) will be required with regard to weather conditions for the day of the “open burning”. CFC 307.2.1



3. The fire code official or his designee is authorized to order the extinguishment of the open burning operation where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained. CFC 307.3
4. The **location** for open burning (bonfire) shall not be less than **50 feet** from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. CFC 307.4
5. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous. CFC 307.1.1
6. A garden hose connected to a water supply or a portable fire extinguisher with a minimum of 4-A rating shall be readily available for use at recreational fire sites. CFC 307.5
7. Open burning fires shall be constantly attended until the fire is extinguished. CFC 307.5

### RECREATIONAL FIRES

1. The **location** of recreational fires shall not be conducted within **25 feet** of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition. CFC 307.4.2
2. A garden hose connected to a water supply or a portable fire extinguisher with a minimum of 4-A rating shall be readily available for use at recreational fire sites. CFC 307.5
3. Recreational fires shall be constantly attended until the fire is extinguished. CFC 307.5

### PORTABLE OUTDOOR FIREPLACE AND CHIMENEA

1. It must not be a “wood burning device use prohibited” day as determined by the SJVAPCD. This can be verified at 1-800-SMOG INFO (1800-766-4463) or [www.valleyair.org](http://www.valleyair.org).
2. Chimeneas and portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions, properly controlled, supervised and shall not be operated within 15 feet of a structure or combustible material. CFC 307.4.3  
\*Exception: Portable outdoor fireplaces used at one- and two-family dwellings.
3. Use is restricted to residential settings.
4. Fuel is clean, dry wood with no debris, trash, garbage or refuse.
5. Fire will not be allowed in any appliance, which is not manufactured and intended for that use.
6. Chimenea's should not be placed directly on a wood deck, but should be placed on an iron stand with either three or four legs.



7. If flames are coming out of the neck of the chimenea then the fire is too big.
8. A garden hose connected to a water supply or a portable fire extinguisher with a minimum of 4-A rating shall be readily available for use at recreational fire sites. CFC 307.5
9. Open burning fires shall be constantly attended until the fire is extinguished. CFC 307.5

### **BARBECUE PIT (NON-COMMERCIAL)**

1. Should not be located within 10 feet of combustible construction and property lines.
2. Must be properly controlled and supervised.
3. If the fire in the pit is designated as an unreasonable threat to the safety of the occupants or community, it shall be extinguished immediately.
4. The fire may also be required to be extinguished based on the volume or nature of the smoke and/or odor produced. (SJVAPCD)

### **COOKING FIRES**

1. Cooking fires used for preparing food for human consumption do not require a permit from the SJVAPCD. However, cooking fires such as a pit barbecue or larger cooking fires may have a tendency to cause a great deal of smoke and nuisance potential. The burning must be conducted while conforming to the following conditions:
  - a. The fire is actually used for cooking food for human consumption.
  - b. The fire is sized appropriately for the amount of food to be cooked.
  - c. Fuel for the fire must be clean, dry charcoal and/or wood without coatings or preservatives. Burning other debris, including trash, demolition material, refuse, or garbage is prohibited.
  - d. When any of the conditions defining a cooking fire end, no more fuel may be added to the fire and the fire shall be extinguished.
  - e. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies or within 10 feet of combustible construction, with the following exceptions, CFC 308.1.4
    - i. One and two-family dwellings.
    - ii. Where buildings, balconies and decks are protected by an automatic fire sprinkler system.
    - iii. Liquefied-petroleum- gas (LPG) fueled cooking devices having a water capacity greater than 2.5 pounds



- f. The fire must be in constant attendance, located an adequate distance away from a structure or combustible material and have adequate means available to extinguish the fire. CFC 307.5

### COMMERCIAL FIRE PITS

1. Once the permit inspection fee has been paid, an inspection of the commercial fire pit will be conducted by the Fire Department. The following requirements must be met.
2. Persons with a valid permit and confirmation number from the SJVAPCD and Fire Permit from the Fire Department are required to notify the City of Merced Dispatch Center at 209-385-6912 prior to burning. Advise the location and type of material to be burned.
3. Open burning shall not be conducted within 50 feet of any building or other combustible material.
4. A garden hose connected to a water supply or other approved fire extinguishing equipment shall be readily available.
5. An adult knowledgeable in the use of the fire extinguishing equipment shall constantly attend burning material.
6. The Fire Department is authorized to require that open burning be immediately discontinued if the fire constitutes a hazard or the smoke emissions are offensive to the surrounding neighbors.

### INDOOR FIREPLACE FIRES

1. Indoor or outdoor fireplace fires are prohibited on days when the SJVAPCD declares a mandatory fireplace use curtailment for Merced County. There are exemptions to the curtailment if you live in an area that is NOT serviced by natural gas or the device is your sole source of heat. Contact the SJVAPCD for more information at 1-800-SMOG INFO (1-800-766-4463) or [www.valleyair.org](http://www.valleyair.org).

### AGRICULTURAL BURN PERMITS

1. The SJVAPCD is the designated agency for the purpose of issuing burn permits. Please contact the SJVAPCD at **(209) 557-6400** during regular business hours, or **(800) 665-2876** between the hours of 6:00 a.m. to 11:00 a.m. seven days a week, or check on the website at **[www.sjvapcd@valleyair.org](mailto:www.sjvapcd@valleyair.org)** for questions regarding burning guidelines or burn permits. Once a permit has been obtained from the air district you



may contact the Fire Prevention Bureau at (209) 385-6830 to obtain a Merced City Fire Department Fire Permit.

2. Anyone with an authorized burn permit must contact the SJVAPCD on any day they plan to burn to receive a confirmation number. You must have the burn permit AND confirmation number on site while conducting your burn.

**Any fire which, in the opinion of the Fire Chief or his/her designee, poses an unreasonable threat to the safety and/or welfare of the community shall be deemed an “uncontrolled fire” and extinguished upon discovery.**

### **Open Burning, Recreational, and Cooking Fire FAQs**

#### ***I bought a metal/concrete fire pit from Home Depot/Lowe’s, can I use it in my backyard?***

This type of device is classified as a “portable outdoor fireplace”. At a one- and two-family dwelling, it may be used in accordance with the manufacturer’s instructions so long as it is constantly attended, means for extinguishment is readily available, and the material being burned is clean, dry wood. Additionally, the smoke must not be perceived as a nuisance by your neighbors. (CFC 307.4.3, CFC 307.4.5, SJVAPCD 4102)

#### ***What safety precautions must I take when having a recreational fire in my backyard?***

A “recreational fire” is a small fire burning directly on the ground, not contained within an approved burning device. It must not be conducted within 25 feet of any structure or other combustible material. It must be constantly attended, means for extinguishment must be readily available, and the material being burned must not be trash. Additionally, the smoke must not be perceived as a nuisance by your neighbors. (CFC 307.4.2, CFC 307.4.5, SJVAPCD Rule 4102)

#### ***Can I use my wood fire pit on a non-burn day?***

Use of a “portable outdoor fireplace” must be in accordance with the SJVAPCD’s guidelines on the use of wood burning devices. If it is a “Wood Burning Device Use Prohibited Day” as determined by the Valley Air District, you may not use your wood fire pit. This can be verified at 1-800-SMOG-INFO or [www.valleyair.org](http://www.valleyair.org), and is also usually part of the televised weather report on your local TV station. (SJVAPCD Rule 4901)



***I bought a pre-manufactured propane/natural gas fire pit, what are the restrictions on its use?***

At a one- and two-family dwelling, it may be used outdoors at any time, in accordance with the manufacturer's instructions. It is not to be used beneath any combustible overhangs or less than 5 feet from any combustible materials. (CFC 603.4)

***I would like to build a wood burning fire pit in my backyard, where can I find the design requirements and is there an approval/permit procedure?***

Please contact the City of Merced Inspection Services Department for all applicable Building Code requirements.

***I would like to build a propane/natural gas fire pit in my backyard, where can I find the design requirements and is there an approval/permit procedure?***

The burner must be an approved device and installed in accordance with the manufacturer's instructions and any applicable requirements within the California Building Code. Any natural gas line installation must be permitted and approved by the City of Merced Inspection Services Department. (CFC 603.4)

***Can I burn leftover lumber scraps in my fire pit?***

No, only clean, dry wood may be burned. Please dispose of construction debris in your grey waste can. (SJVAPCD 4103)

***I just pruned my tree, can I burn the trimmings in my fire pit?***

No, only clean, dry wood may be burned. Please dispose of yard trimmings in your green waste can. (SJVAPCD Rule 4103)

***Can I use an old washing machine drum or 55 gallon barrel as a portable outdoor fireplace?***

No, fire will not be allowed in any appliance which is not manufactured and intended for that use. (CFC 307.4.3)

***The smoke from my neighbor's fire pit is drifting into my house, can you tell them to put it out?***

Yes, the fire may be required to be extinguished based on the volume or nature of the smoke and/or odor produced. (SJVAPCD Rule 4102)