Town of Secaucus

Bureau of Fire Protection

1203 Paterson Plank Road, 2nd Floor
Secaucus, New Jersey 07094
Phone: 201-330-2059 | Fax: 551-257-7200
www.secaucusnj.gov/departments/fire-prevention

Rules for Recreational Fires and Open Burning

There are multiple rules regarding fire pits in the State of New Jersey depending upon the fuel the pit burns, the size of the container the fire is in and whether or not the fireplace structure is permanent and approved.

Permanent masonry outdoor fireplaces are regulated by local zoning and NJ Uniform Construction Code (UCC) requirements and need a permit prior to construction. Natural gas fueled fire bowls and log sets are also regulated by local zoning laws and the UCC. Nearly all other forms of open burning are regulated by the NJ International Fire Code (IFC) and enforced by the Bureau of Fire Prevention. **Open burning of any kind is prohibited on public property, including paths, streets, sidewalks and public recreation areas.** Open burning includes, but is not limited to the following:

- Portable open burning clay solid fueled fireplaces (also known as chimeneas);
- "Campground" fireplaces;
- Bonfires;
- Elevated torches (also knowns as tiki torches);
- Sky lanterns (also known as Kongming or wish lanterns); and
- Fireworks (including firecrackers).

You may not burn garbage, paper, processed lumber, manmade materials, grass, rubbish, trash or leaves. Recreational fires may consist of sticks, firewood or charcoal only. Furthermore, fires may be no larger than 3 feet in diameter and no more than 2 feet high. Wind conditions pose a significant threat to the safety of a neighborhood when a fire is lit. It is recommended to check with the New Jersey Forest Fire Service to see the current fire dangers in the area.

The rules for open burning and recreational fires are outlined in the International Fire Code, New Jersey Edition (2018), and have been summarized below.

NJ Uniform Fire Code Rules Regarding Recreational Fires and Open Burning

For *all* types of open burning, except fireplaces inside single family dwellings:

- 307.1.1 Prohibited Open Burning. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.
  - Note: Even if your fire is in an approved container, if the weather conditions cause a high risk of the fire spreading, you may not start nor maintain the fire, and law enforcement, the fire department, or the Bureau of Fire Protection may order the extinguishment of any fire. Failure to extinguish the fire as ordered may result in penalties.

For solid fueled (wood, coal, etc.) recreational fires:

- 307.4.2 Recreational Fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25

feet 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 from any structure.

- Note: Fires in approved containers (i.e. portable outdoor fireplaces, chimineas, grills) are permitted, provided that such fires are not less than 15 feet from any structure or combustible material, including dwellings, sheds, canopies, any other structure on the property, and the property line. Approved containers shall be used in accordance with the manufacturer's instructions.
  - Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

- § 302 defines a Recreational Fire 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 (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes."
  - Note: Recreational fires include fire pits, which must be less than 3 feet in diameter and 2 feet high. Minimum clearances to combustibles and property lines for this type of fire is 25 feet.
- 307.5 Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished

For cooking devices:

- 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 of combustible construction, vertically or horizontally, of any opening of any wall, or under any building overhang.
  - Exceptions:
    - 1. Detached one- and two-family dwellings.
    - 2. Where buildings, balconies and decks are protected by an automatic sprinkler system
- 308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.
  - Exceptions:
    - 1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 61.
    - 2. Cutting and welding operations in accordance with Chapter 35.
    - 3. Torches or flame-producing devices in accordance with Section 308.4.
    - 4. Candles and open-flame decorative devices in accordance with Section 308.3.

There are other rules regarding open burning and recreational fires. If the type of fire you wish to maintain does not appear in these rules, please contact our office 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 a General Fire Permit issued by the Bureau of Fire Prevention. Permits are issued or denied at the discretion of the Fire Official.

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