



El Segundo Fire Department Fire Prevention Division

Fire Prevention Interpretation # 09-2 California Fire Code Section 307 Open Burning and Recreational Fires

The Fire Department has responded to several 'open burning' calls where it has been the Department's policy to order the burning to be discontinued and not to be re-lit. In recent years, several manufacturers have produced portable and fixed patio fireplaces and chimneas, which have been the major source for the calls. These fires have also been considered a 'recreational fire'. To clarify what is considered 'open burning' and what is allowed, the International Fire Code has the following definitions for Open Burning and Recreational Fire.

Open Burning. The burning of material 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, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

Recreational Fire. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet or less in diameter and 3 feet or less in height for pleasure, religious, ceremonial, cooking warmth or similar purposes.

The 2006 International Fire Code Commentary offers clarification on open burning. In the commentary section it includes:

"A recent innovation that is sometimes treated as open burning is the patio fireplace. These devices function similar to a masonry or factory-built indoor fireplace except that they are portable, outdoor, solid fuel-burning patio fireplaces designed to provide ambiance and warmth in outdoor settings. They come in many styles and are typically constructed of steel with heavy-duty screening around the firebox, although some types are made of concrete or clay with a small hearth opening and are equipped with a short chimney or a chimney opening in the top. The design will typically include a stand to elevate the firebox above the surface upon which it is placed to provide clearance to combustible

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materials. These devices do not constitute the type of burning intended to be regulated by Section 307, examples of which could include disposal of brush, construction rubbish or household waste by open burning. As with any type of heat-producing device, patio fireplaces should be used with caution, paying close attention to proximity to combustible materials and buildings or structures and constant attendance during times of use. Stoves, incinerators or other controlled burning devices which would include patio fireplaces do not fall under the open-burning regulations.”

It is the policy of the Fire Prevention Division that portable patio fireplaces and chimneas, when used, do not constitute open burning and are not subject to the regulations set forth in Section 307. However, general fire safety must be maintained and in accordance with Appendix Chapter 1, Section 102.8, **Matters not provided for**. The operator of a portable patio fireplace and/or chimnea must comply with the following fire safety regulations:

1. No rubbish, trash, or brush can be burned. Incidental paper use for kindling and the paper wrapping for a “Dura-Flame” type log is permitted.
2. The portable patio fireplaces and/or chimnea cannot be operated under a canopy, patio cover, porch or other structure.
3. The portable fireplace must be a minimum 5 feet from a building or combustible fence.
4. The portable patio fireplaces and/or chimnea must have a spark arrestor (screen) on the flue to arrest sparks. The screen must have a maximum 1/16 inch opening.
5. The portable patio fireplaces and/or chimnea must be in constant attendance when used.
6. The portable patio fireplaces and/or chimnea must not be located on balconies or directly on combustible decking.

Violation of these regulations constitutes a violation of Section 102.8 and the inspecting officer must order the fire to be extinguished, with a follow up to Fire Prevention for further enforcement action.

The effective date of this interpretation is August 20, 2009

Interpretation Issued By:

James J. Carver
Fire Marshal
