

## **Outdoor Burning of Residential Brush and Yard Debris**

If you wish to burn brush and/or yard debris at your residence you must obtain a written permit prior to kindling your fire. It is State Law. RSA 227-L:17 is the State RSA that pertains to outdoor burning and the issuance of fire permits. This includes Chiminea's and Outdoor Portable Fireplaces. The only exception to this law is when there is 100% snow coverage on the ground. As a rule of thumb, there should be enough snow coverage to track a cat.

For more information on how to obtain a permit, rules, regulations and commonly asked questions, please read below

### **Outdoor Burning using Chiminea's & Portable Fireplaces.**

#### **Do I need a burn permit for a Chiminea, Fire Pit, Outdoor Fireplace, etc.?**

Yes. Obtaining a burn permit for a wood-burning unit (see definitions listed below) is a State Law. You must comply with the rules for outdoor burning when using one of the outdoor appliances listed or described below. These are the same rules and regulations that apply to burning of brush as well.

The information provided herein is an abbreviated and condensed review of the pertinent and important points regarding outdoor burning in the Town of New Boston and the State of New Hampshire. For complete information, rules and regulations you should visit the State of NH, Division of Forest and Lands website at [www.nhdf.org](http://www.nhdf.org). You may also contact the Forest Fire Warden or any Deputy Forest Fire Warden with any questions you may have.

As of January 1, 2007 the New Boston Forest Fire Wardens will enforce state RSA 227-L:17 as it pertains to the use of outdoor burning appliances such as Chiminea's and other Portable Outdoor Fireplaces.

#### **How to obtain a Fire Permit.**

Obtaining a seasonal or single use permit is easy. There is a Forest Fire Warden and eight Deputy Warden's in New Boston that can issue permits. Although the Warden and Deputy Warden's are all members of the New Boston Fire Department, the issuing of burn permits is a separate function administered by Wardens and Deputies under the governance of the New Hampshire Forest Fire Protection Bureau (FFPB). The Forest Fire Protection Bureau is a division of the Department of Resources and Economic Development. The Warden and Deputies report to the State Ranger at the FFPB.

If you are looking to obtain a single use permit simply contact one of the individuals listed below to make the necessary arrangements to obtain a permit. Decisions about the suitability of outdoor burning is made on a daily basis. There are a number of factors that are taken into consideration as to the suitability of burning conditions, most notably the weather and wind conditions. Data and information is also received from the State of NH,

Forest Fire Protection Bureau on a daily basis. Often times a decision is not made until after 4:00 pm on a given day. Single use permits are issued on the day they are to be used. Burning hours for a Class II or Class III permit fire are from 5:00pm – until 9:00am the following morning. During periods of steady or heavy rain, exceptions to the burning hours may be made by the Warden or Deputies at their discretion.

If you are looking to obtain a seasonal permit, contact one of the individuals listed below well in advance of when you are planning to burn or use your outdoor burning appliance. For seasonal burn permits, an on-site inspection must be performed by the Warden or a Deputy Warden. On-site inspections will be conducted on the third Saturday and or Sunday of each month during the burning season. When attempting to contact the Warden or Deputies, please bear in mind that these individuals are members of the volunteer fire department and their work or personal schedules may conflict with your own.

Forest Fire Warden Cliff Plourde .....	487-3273
Deputy Warden, Fire Chief Dan MacDonald .....	487-2661
Deputy Warden, Assistant Fire Chief George St. John ...	487-3879
Deputy Warden/Fire Captain Scott Hunter .....	487-5172
Deputy Warden/Dale Smith .....	487-3047
Deputy Warden Dick Moody .....	487-3379
Fire Inspector Russ Boland .....	487-2500 X152
Deputy Warden Wayne Blassberg .....	487-3443
Deputy Warden/Fire Lieut. Alden Miller .....	472-3420
Deputy Warden/Fire Captain Brandon Merron .....	487-3528
Deputy Warden Jeff St. John .....	487-3879

In addition to the individuals listed above, you may also obtain a single use permit at the Town Clerk’s office during regular business hours. However, the Town Clerk is designated as an Issuing Agent. Prior to starting or kindling your fire, you will still need to get verbal authorization via phone from the Warden or a Deputy. A message left on the Warden’s or Deputies answering machine is not acceptable.

Remember, as the permittee **you** are responsible for the control and containment of your fire. If you are unable to control and or extinguish your fire, you may be liable for damages caused by the fire and or the cost to extinguish the fire by the fire department.

Prior to kindling your fire you should have a hose with water or suitable means of transporting sufficient water to control the fire. Additionally, a tool such as a metal shovel and or metal rake at the site of the fire for control of the fire.

Any and all permitted fires must be actively attended and supervised at all times by an individual over the age of 18.

**The use of Chiminea’s and or Outdoor Fireplaces on wooden decks and or within 25 feet of a structure is not permitted.**

For a seasonal permit, prior to contacting the Warden or Deputies to arrange for your inspection, be sure that the area you intend to burn meets the following criteria.

- A) The wood burning unit (Chiminea, fire pit, outdoor fireplace, etc.) must be a minimum of 25' away from a structure.
- B) Be on an area cleaned to mineral soil at least eight feet across or in diameter. Where fires are built on the ground, there should be at least six inches of sand or gravel under the fire. Placement on bricks, paver blocks, flagstone or other decorative stone or concrete surfaces is acceptable.
- C) Have no limbs or other burnable material within a height of ten feet above the fireplace.
- D) Fireplaces shall be constructed so they cannot be moved from their mineral soil surface area.

A seasonal permit (valid for one calendar year) will only be issued for the wood burning unit, **it is not a permit for open burning.**

### **Commonly Asked Questions Regarding Fire Permits**

1. What materials can be burned with a fire permit?  
*Brush and wood cannot exceed 5 inches in diameter. No household waste, treated wood or composite materials may be burned.*
2. How close to a structure can I kindle my fire?  
*A category I fire must be 25' from structures and category II or greater must be at least 50' from structures.*
3. When can I kindle my fire?  
*A category I fire may be kindled with a permit at any time whether raining or not. A category II and III fire may only be kindled with a permit between the hours of 5:00pm and 9:00 am unless it is actually raining.*
4. If I started my category II or III fire while it was raining and it stops raining do I have to extinguish the fire?  
*Yes!. The fire must be extinguished and you will need to wait until after 5:00pm to kindle it again.*
5. Do you own the land where you plan to burn?  
*If not, you must have written landowner approval in order to receive a fire permit or furnish proof that you are a legal agent for the landowner.*
6. Can I burn material from the demolition of buildings?  
*The NH Department of Environmental Services has regulations that must be followed regarding the testing and abatement of asbestos prior*

***to demolition. Only clean, untreated and non-contaminated wood may be burned.***

7. Do you have adequate resources to control and completely extinguish your fire?

***The permittee shall have sufficient water, tools and personnel necessary to control and completely extinguish the fire. A buried fire is not an extinguished fire.***

8. Can I use tires or tubes to start my fire?

***No! This would be a serious violation of NH DES Air Resources Division rules and regulations.***

9. How old do I have to be in order to obtain a fire permit?

***You must be 18 years old to obtain a fire permit.***

- 10. You can not burn stumps, garbage or refuse of any kind, furniture of any type, composite materials, rubber products, oils, gasoline, diesel, aerosols or batteries.***

The following definitions will be used as an informative guide to describe the type of permits that will be issued and what is considered an outdoor burning appliance. These are taken directly from State of New Hampshire regulations.

**Res 5601.01 Definitions.**

- (c) “Category I Fire” means a small controlled fire, such as a camp or cooking fire, no greater than 2 feet in diameter contained within a ring of fire resistive material or in a portable fireplace.
- (d) “Category II Fire” means a controlled fire, such as a camp or cooking fire, no greater than 4 feet in diameter contained within a ring of fire resistive material or in a portable fireplace.
- (e) “Category III fire” means any other fire not a category I or category II fire or a fire greater than 4 feet in diameter or a fire not contained within a ring of resistive material.
- (g) “Completely extinguished” means to extinguish so that it emits no smoke, heat or flames. The term does not include a buried fire.
- (h) “Enclosed container” means any such purpose-built device, container, or vessel so constructed as to be completely enclosed by solid fire-resistive material, attached to a stack or chimney, and capable of regulating fire draft and constructed as a solid [a solid] fuel appliance.

(m) “Open burning” means the burning of any material wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed container. The use of portable fireplaces is considered open burning.

(o) “Portable fireplaces” means devices such as chimineas, steel fire pits, and any other device designed to burn permissible combustibles other than gas or charcoal.

**Res 5601.02 Fire Permit Required.** A fire permit shall be required for all open burning when the ground is not covered by snow.

**Res 5601.04 Category I, II, and III Fire Permit.**

(a) A permittee shall be issued a category I, II or III fire permit if the forest fire warden or authorized issuing agent determines that:

- (1) The permittee is the landowner or has the landowner’s written permission; **must be in writing if landowner is not present.**
- (2) The permittee meets the required age limit;
- (2) Except for public and private camp and picnic sites, the permittee meets the criteria for specified distances from structures as follows;
  - a. A category I fire is 25 feet from structures; or
  - b. A category II or III fire is 50 feet from structures;
- (4) The material to be burned is clean, untreated wood or brush less than 5 inches in diameter, and meets applicable air resources regulations;
- (5) Weather conditions are favorable as to prevent the spread or escape of the fire.
- (6) The permittee has adequate suppression equipment to control the fire;
- (7) The permittee meets the required timeframe as follows:
  - a. A category I for any time of day whether raining or not; or
  - b. A category II or III for between the hours of 5:00 p.m. and 9:00 a.m. unless it is actually raining; and
- (8) The permittee has not had more than 2 open burning violations, or any grievous violations, within the past 7 years.

(b) A category I, II or III fire permit shall include the following information:

- (1) The name of permittee;
- (2) The land owner name and address, if different than permittee;
- (3) The location where fire is to be kindled;
- (4) The date(s) the fire is authorized to occur and the specific time;
- (5) The category of fire the permit is for;
- (6) The name of the forest fire warden or authorized issuing agent;
- (7) The town the forest fire warden or authorized issuing agent is from;  
and
- (8) The date the fire permit was issued to permittee.

(c) Prior to being issued a fire permit, the permittee shall be required to provide their name, address, telephone number, and signature on the fire permit.