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**To:** All Personnel  
**From:** Captain Chris Markoski, Fire Prevention  
**Date:** 7/16/2020  
**Subject:** Outdoor Fireplaces

### Outdoor Fireplace

Open burning in the City of Newton is prohibited. This includes fire pits and chimineas. Outdoor fireplaces that have a chimney are legal in the City of Newton provided certain requirements are met.

1. This regulation applies to 1 and 2 family homes only.
2. Your outdoor fireplace should be located at least 10 feet away from all structures.
3. Only allowed to burn dry, seasoned firewood.
4. Constantly attended by a competent person while in use. This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.
5. Openings in outdoor fireplaces shall be provided with an approved spark arrester, screen, or door.
6. All outdoor fireplaces need to be permitted by the Fire Department and inspected yearly for compliance.
7. Must follow manufacturer's safety guidelines and instructions for the device.
8. Fire must be kept to a reasonable size. No bigger than 3x2 sqft.
9. Under no circumstances can the fire be lit with paper, trash or flammable liquid.

**Referenced from 527 CMR 1.00 Massachusetts Comprehensive Fire Safety Code (Based on the 2015 edition of NFPA 1)**

**10.10.1.1 (Massachusetts Amendments to NFPA 1, 2015)**

Fires for cooking and recreational purposes shall comply with the provisions of M.G.L. c. 48 § 13 and the rules and regulations of the State Forester and regulations of the Department of Environmental Protection.

**10.10.2 (527 CMR 1.00)**

The AHJ shall have the authority to prohibit any or all open flames, candles, and open, recreational, and cooking fires or other sources of ignition, or establish special

regulations on the use of any form of fire or smoking material where circumstances make such conditions hazardous.

#### **10.10.5.1 (NFPA 1/AHJ)**

Open, recreational, and cooking fires shall be constantly attended by a competent person until such fire is extinguished.

#### **10.10.5.2 (NFPA 1/AHJ)**

This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.

**10.10.6.3.6 (Massachusetts Amendments to NFPA 1, 2015)** No equipment of any cooking and heating appliances shall be permitted to be used or stored under any overhang; less than 10ft.(3m) from a building; unless a sprinkler system is installed in accordance with the *Building Code*; or it is permitted by the manufacturer's instructions and equipment listings. The storage of any cooking or heating appliances under the overhang or 10ft (3m) from a building shall be permitted only when its fuel is not present within or near any cooking or heating appliance, unless such appliance is permanently installed.

#### **10.10.8.2 (NFPA 1/AHJ)**

Incinerators, outdoor fireplaces, permanent barbecues, and grills shall be maintained in good repair and in a safe condition at all times.

#### **10.10.8.1 (NFPA 1/AHJ)**

Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained without prior approval of the AHJ.

#### **10.10.8.3 (NFPA 1/AHJ)**

Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door.

#### **10.10.10 Discontinuance. (527 CMR 1.00)**

The AHJ shall be authorized to require any fire to be immediately discontinued if the fire is determined to constitute a hazardous condition.

**Open burning under 310 CMR 7.07(3)(e)** shall not be permitted in the Cities and Towns of Arlington, Belmont, Boston, Brookline, Cambridge, Chelsea, Chicopee, Everett, Fall River, Holyoke, Lawrence, Lowell, Malden, Medford, New Bedford, **Newton**, Somerville, Springfield, Waltham, Watertown, West Springfield, and Worcester,

#### **OPEN BURNING (310 CMR 7 Definitions)**

Means burning under such conditions that the products of combustion are emitted directly to the ambient air space and are not conducted thereto through a stack, chimney, duct, or pipe. Open burning includes above or underground smoldering fires.

#### **3.3.72 Cooking Fire.**

The noncommercial, residential burning of materials not exceeding 3 ft (0.9 m) in diameter and 2 ft (0.6 m) in height, other than rubbish in which the fuel burned is contained in an outdoor fireplace, a barbecue grill, or a barbecue pit for the purpose of preparing food.

#### **3.3.217 Recreational Fire. (527 CMR 1.00 Definitions)**

The noncommercial burning of materials other than rubbish for pleasure, religious,

ceremonial, cooking, or similar purposes in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 ft (0.9 m) in diameter and 2 ft (0.6 m) in height.

**1.12.6 Permits. (527 CMR 1.00)**

**1.12.6.1** A permit shall be conditioned upon the continued compliance with the requirements of this *Code* and shall constitute written authority issued by the AHJ to maintain, store, use, or handle materials; to conduct processes that could produce conditions hazardous to life or property; or to install equipment used in connection with such activities, or as authorized by this *Code*.