



The Buncombe County Fire Marshal's office is proposing changes to Buncombe's fire prevention ordinance that will align with standards set by the state of North Carolina.

The ordinance has not been updated since 2007 and serves to safeguard and meet our mission of preventing loss of life and preserving property from fire loss. The most impactful part of the proposed ordinance changes is that ALL outdoor burning must be constantly attended. This is in the best interest of life safety and property preservation. This includes ALL land clearing burns.

Did you know?

- What is allowable? It has always been a violation of the Air Quality ordinance to burn synthetics, paper, trash, plastics, and any unnatural material.
- Permits have always been required for bonfires, large recreational fires, and fire displays for entertainment purposes that are uncontained. Where State or Federal laws apply, approval must be obtained from the proper agency.
- Extinguishment: When an illegal or dangerous fire is reported, a responding fire department will have the authority to extinguish the fire. Asheville-Buncombe Air Quality Agency and/or the Fire Marshal's office are then notified for investigation and remediation.
- Recreational fires at a 1-or 2-family residence: This covers fire pits and approved outdoor burning devices. These types of fires are perfectly legal if the material being used as fuel is natural or the device is manufactured for use with propane or other fossil fuel.
- The most impactful part of the proposed ordinance changes is that ALL outdoor burning must be constantly attended. This is in the best interest of life safety and property preservation. This includes ALL land clearing burns.

The new proposed ordinance language is in **RED**.

Fire Permits for Bonfires or Public Recreational fires are free.

The issue with the Air Quality Ordinance does state their ordinance shall prevail. The new Fire Prevention Ordinance states: **Authorization. Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air quality management authority, provided that all conditions specified in the authorization are followed.** This in essence means that Air Quality can override an approval for open burning from the fire marshal. This was written and placed by County Legal and I agree with this.

Location of Open Burning: This would cover yard waste, and yard clean-up after a storm or the winter season for example:

1. **Location. The location for open burning shall be not less than 50 feet (15 240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within**

50 feet (15 240 mm) of any structure.

2. Exceptions:

- a. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure. (The container mentioned would be a fire rings, chimenea devices and another example would be the "portable" fire pits that are popular.)
- b. The minimum required distance from a structure shall be 25 feet (7620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height. (This would address yard waste or storm clean-up not "contained in a ring o device")

Recreational Fires: Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. (These fires are not required to be permitted, and would occur at a residence. They would also exceed what we refer to as the 3 Feet Height Rule.

Single family homes and fire pits and devices: Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet (3048 mm) of a structure or combustible material. **Exception: Portable outdoor fireplaces used at one- and two-family dwellings.**

Bonfires and Large Recreational Fires:

1. Bonfires. A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition. A bonfire shall require a permit and inspection prior to occurrence by the fire code official.
2. Recreational fires. Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.

Large recreational fires are stacked 5-6 feet in height and require setbacks and trained firewatch personnel with extinguishers. These occur at at school, church, and community events. Bonfires are a little more complicated. They must be stacked and stable and inspected for stability. Large recreational fires are piled 5-6 feet and both of these require setbacks for attendees. Bonfires are 6-7 feet in height and we generally require a local fire department to stand by at the event. These fires have had tragic consequences in the past and we are very particular.

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