



TOWN OF AMHERST

BUILDING DEPARTMENT

ERIE COUNTY, NEW YORK

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OUTDOOR FIRE REGULATIONS

The NYS Department of Environmental Conservation (NYS DEC) and the International Fire Code regulate the matter of open burning and recreational fires. The NYS DEC regulates this matter under part 215 of the Environmental Conservation Law, 19-0301, 19-030. The Town of Amherst Fire Safety Division enforces section 307 of the International Fire Code.

Large outdoor fires (bon fires) **are not permitted** unless legally authorized in conformity with New York State Environmental Conservation Law, through a burning permit issued by the Amherst Building Department's Fire Safety Division.

However, **small recreational fires are permitted** for legitimate cooking or warmth without a permit provided they be in some type of controlled area or enclosure, i.e.: stone surround fire pit, brick barbecue, and metal fire stand or clay chiminea.

The burning of combustible material, shrubs, tree branches or leaves for non-recreational purpose is NOT permitted.

The following policy has been established:

1. Recreational fires must be contained in a stone surround or open fire pit, brick barbecue, metal fire stand or clay chiminea.
2. If contained in metal fire stand with spark arrestor and top or clay chiminea or other approved appliance, the fire must be located a minimum of 15 feet from a structure or combustible material.
3. If contained in a stone surround or open fire pit, the fire must be a minimum of 25 feet from a structure or combustible material. The woodpile can be no larger than 3 feet in diameter and 2 feet in height.
4. **All** fires must be constantly attended at all times until extinguished.
5. Some type of on-site fire extinguishing equipment is required, i.e. a 5lb ABC fire extinguisher, dirt, sand, water bucket, garden hose, etc.
6. Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.
7. If we receive a complaint we will respond and attempt to provide a solution, i.e. moving the location of the fire or not burning when there is high humidity. If this does not resolve the complaint, the fire **must be extinguished**. If the owner or resident is difficult or has been previously warned, we may issue a violation summons (similar to a traffic ticket) with a fine of \$75.00 for the first offense or \$150 for all subsequent offenses. We may also issue a court appearance ticket, which is a violation, punishable by up to a \$250.00 fine and/or jail time.