

# New York State Department of Environmental Conservation

## Open Burning Help Prevent Pollution and Wildfires

Annual burn ban in effect from March 16 through May 14.

Open burning is the single greatest cause of [wildfires](#) in NYS. Since the spring burn ban was implemented in 2009, the number of wildfires has decreased by more than 40%.

To report a wildfire, call 1-833-NYS-RANGERS (1-833-697-7264) or [contact a forest ranger in your area](#).

Watch a Public Service Announcement on [open burning](#) and check out other clips on DEC's [YouTube Channel](#) (leaves DEC website).

When you plan a fire, always check for fire danger in your area on DEC's [online map](#) (updated every week). Also, local governments may have stricter rules than NYS; your fire department will have information about local burning laws.

## Prohibitions

Open burning is prohibited in NYS, with several exceptions:

- Camp fires or any other outdoor fires less than 3 feet in height and 4 feet in length, width or diameter are allowed.
- Small cooking fires are allowed.
- Ceremonial or celebratory bonfires are allowed. Disposal of flags or religious items in a small-sized fire is allowed, if it is not otherwise prohibited by law or regulation.
- Only charcoal or dry, clean, untreated or unpainted wood can be burned.
- Fires cannot be left unattended and must be fully extinguished.

In towns with a total population less than 20,000, you may burn tree limbs with attached leaves. The limbs must be less than 6 inches in diameter and 8 feet in length (also referred to as brush). **However, this is not allowed from March 16 through May 14 due to the increased risk of wildfires. Burning [loose leaves or leaf piles](#) is illegal.**

The practice of burning large piles of brush collected from local residents at town or county transfer sites is prohibited. The individual landowners in small towns may burn their brush on-site, as discussed above. Downed limbs and branches generated at a transfer site are also allowed to be burned on-site with the same restrictions. See [Section 215.3](#) (leaves DEC website) for a full list of exceptions.

**Please note:** While most firewood must be untreated, some firewood is heat treated (kiln dried) to control invasive insect species if it is to be transported over 50 miles. Heat treated firewood is not intended to be prohibited. However, the burning of chemically treated wood, such as pressure-treated lumber and plywood, is prohibited.

## Controlling Invasive Species

Open burning to control invasive plant or insect species is allowed. Case-by-case DEC approval is required.

## Agricultural Uses

- Organic agricultural wastes may be burned on-site where they are grown or generated, including brush and wood produced by clearing fields and other activities.
- Fires must be located on contiguous agricultural land larger than 5 acres, and the materials capable of being fully burned within 24 hours.
- The burning of pesticides, plastics or other non-organic material is prohibited.
- The use of liquid petroleum fueled smudge pots to prevent frost damage to crops is allowed.
- Burning tires and other wastes for smudge is prohibited.
- Individual open fires to control plant and animal disease outbreaks are allowed as approved on a case-by-case by DEC, upon the request by the Commissioner of Agriculture and Markets.
- Prescribed burns - the burning of forest land to achieve a vegetative or wildlife management goal - can be performed, but only in accordance with DEC regulations. Check with your [regional DEC office](#).

## Municipal Uses

With some restrictions, fire training burning activities are allowed in accordance with guidance from NYS Division of Homeland Security and Emergency Services' Office of Fire

Prevention and Control. The Fire Services Bureau may be reached at 518-474-6746. Towns, villages, cities, and counties can pass ordinances that are stricter than the open fires regulations. You should check with local authorities to find out if local law requires a permit or prohibits open fires. Explosives, or other dangerous contraband, may be burned on an emergency basis only by police or other public safety organizations.

## Burning Trash is Against the Law



Burning trash is illegal statewide in all cases. [Part 219 Incinerators](#) (leaves DEC website) prohibits burning trash in wood stoves, fireplaces, and outdoor wood boilers. It is unhealthy, un-neighborly, and unnecessary. It causes:

- serious health concerns and diseases,
- contaminated soil, and
- discomfort for others enjoying the outdoors or their own property.

Read more about the negative health effects of burning trash on [NYSDOH's website](#) (leaves DEC website). Download our burning [tip strip \(PDF\)](#) and [poster \(PDF\)](#).

You can report polluters by calling the DEC hotline at 1-844-DEC-ECOs (1-844-332-3267).



## Camp Fire Safety

Camp fires with family and friends are great fun! To make your next camp fire safer and healthier, remember to:

- Check the [fire danger map](#) first to make sure it's safe to have a fire where you are.
- Watch this clip about [camp fire safety](#) on DEC's [YouTube Channel](#).
- Avoid burning on windy days.
- Keep your camp fire less than 3 feet high and less than 4 feet wide.
- Keep flammable objects and debris at least 3 feet away from the fire.
- [Never burn trash](#), including paper products, plastic, glass, and metal (like tin and aluminum cans).
- Burn only [local firewood](#).
  - Burn only dry, plain wood - no pressure-treated lumber or plywood, and no painted or stained wood.
  - Untreated wood, split tree logs, and branches are recommended for camp fires.
  - Using heat-treated/kiln-dried wood can prevent the spread of invasive species.
- Never use fire accelerants such as kerosene, gasoline, or lighter fluid.
- Stay out of the smoke. The fire and its warmth can be pleasant for everyone, but inhaling smoke is unhealthy for you and for your pets.
- Keep water or a fire extinguisher nearby. Never leave your fire unattended.
- When you're finished with your fire, fully extinguish it. Stirring water or dirt into the remains of the fire can help.

We want you to fully enjoy your camp fire. Following these guidelines will help ensure a safer gathering.

## 2020 Fire Code of New York State

### Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces

#### 307.1 General

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with Sections 307.1.1 through 307.5.

##### 307.1.1 Prohibited Open Burning

Open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous.

**Exception:** Prescribed burning for the purpose of reducing the impact of wildland fire when authorized by the fire code official.

#### 307.2 Permit Required

A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land on which the fire is to be kindled.

##### 307.2.1 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 and water quality management authority, provided that all conditions specified in the authorization are followed.

#### 307.3 Extinguishment Authority

Where open burning creates or adds to a hazardous situation, or a required permit for open burning has not been obtained, the fire code official is authorized to order the extinguishment of the open burning operation.

#### 307.4 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.

##### **Exceptions:**

1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.
2. 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.

#### **307.4.1 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.

#### **307.4.2 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.

#### **307.4.3 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.

#### **307.5 Attendance**

Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. Not fewer than one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.