



# TOWN OF CLAYTON FIRE DEPARTMENT

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## Open Burning in the Town of Clayton

Smoke produced by open burning creates air pollution and is governed by state law. The Environmental Management Commission, with authority from General Statute 143-215.107, "Air Quality Standards and Classifications," has been charged with developing and adopting standards "to prohibit, abate, or control air pollution commensurate with established air quality standards." The Department of Environment and Natural Resources has been charged with adopting and implementing rules regarding this law. These rules are found in North Carolina Administrative Code 15A NCAC 02D.1903, which states that open burning is prohibited with a few exceptions. One exception allows open burning of leaves, tree branches and / or yard trimmings in areas of the state where there is no public pickup service available. Since the Town of Clayton provides pickup services, open burning is not permitted.

Open Burning is defined in the NC Fire Prevention Code [Section 302.1] as the burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares or similar devices associated with safety or occupational uses typically considered open flame. It also does not include "recreational fires" or the use of portable outdoor fireplaces.

Recreational fire is defined in the NC Fire Prevention Code [Section 302.1] as an outdoor fire, burning materials other than rubbish, where the fuel being burned [unprocessed wood or charcoal] is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of 3 feet or less in diameter and 2 feet or less in height and it is used for pleasure, religious, ceremonial, cooking, warmth or similar purposes. Bonfires usually exceed the dimensions stated above and are not usually allowed within the Town limits. Recreational fires shall not be conducted within 25 feet of a structure or other combustible material. Conditions which could cause a fire to spread shall be eliminated prior to ignition. [Fire Code Section 307.4.2]

A portable outdoor fireplace is defined in the NC Fire Prevention Code [Section 302.1] as a portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other non-combustible material. It may be open in design, or it may be equipped with a small hearth opening and a short chimney on top. All portable outdoor fireplaces shall be used according to manufacturer's instructions and shall not be operated within 15 feet of a structure or other combustible materials. [Fire Code Section 307.4.3]

Charcoal and other open-flame cooking devices should not be operated on combustible balconies or within 10 feet of combustible construction.

Open flames associated with candles, lanterns, kerosene heaters and gas-fired heaters should not be located on or near decorative materials or similar combustible materials.

Additional information or questions about open burning within the Town can be directed to the Clayton Fire Department at 919-553-1520 or contact Fire Marshal Tony Atkinson via email at [tatkinson@townofclaytonnc.org](mailto:tatkinson@townofclaytonnc.org), and information about open burning outside the Town limits can be obtained by contacting the Johnston County Forest Ranger, Mike Winslow at [mike.winslow@ncagr.gov](mailto:mike.winslow@ncagr.gov) or call him at 919-989-1925.