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Informational Bulletin 2017-06
Outdoor Fireplaces

History: Recently it was brought to the attention of the *N.H. Division of Forests and Lands* and the *N.H. State Fire Marshal’s Office* that many residents were constructing fireplaces attached to residences and that local fire officials were unclear of the requirements regarding permitting. These fireplaces are often constructed with stacks similar to indoor fireplaces and are usually surrounded by a patio constructed of noncombustible material (i.e., stone or other rated fire-resistant material).

In a collaborative effort, the N.H. Division of Forests & Lands and the N.H. State Fire Marshal’s Office have created this document which outlines the permitting requirements and recommendations for these fireplaces.

Authority: Enforcement authority and supporting documentation are found in the Department of Natural and Cultural Resources rules (Chapter Res 5600) and NFPA 211 (2013 edition) which is currently adopted as part of the NH State Fire Code.

Department of Natural and Cultural Resources (formerly Dept. of Resources and Economic Development) Rules:

- Res 5601.01 Definitions - *“Category I fire” means a small controlled fire, such as a camp or cooking fire, no greater than 2 feet in diameter contained within a ring of fire resistive material or in a portable fireplace, for which a permit can be issued on a seasonal basis, and that is not closer than 25 feet from a structure.*
- Res. 5601.02 Fire Permit Required - *Should a question arise regarding the necessity of a fire permit for any burning device or container, the director shall make the final determination based upon analysis of the construction of the device and the ability or lack thereof of the device to transmit sparks or live fire brands which could endanger the woodlands.*

- Res 5601.04 Category I, II, and III Fire Permit - *Except for public and private camp and picnic sites, the permittee meets the criteria for specified distances from structures as follows; A category I fire is 25 feet from structures; A category II or III fire is 50 feet from structures.*

NFPA 211 Standard for Chimneys, Fireplaces, Vents and Solid Fuel-burning Appliances 2013 edition:

- 1.4 – Equivalency – *Nothing in this standard shall prohibit methods of construction, materials, and designs not specifically prescribed in this standard where equivalent alternatives are approved by the authority having jurisdiction (AHJ).*
- 3.3.28 – Chimney – *A structure containing one or more vertical or nearly vertical passageways for conveying flue gases to the outside atmosphere.*
- 3.3.67 – Fireplace – *A hearth, fire chamber, or similarly prepared area and a chimney.*
 - 3.3.67.1 – Factory-Built Fireplace – *A fireplace composed of listed, factory-built components assembled in accordance with the terms of the listing.*
 - 3.3.67.2 – Masonry Fireplace – *A hearth and fire chamber of solid masonry units, such as bricks, stones, listed masonry units, or reinforced concrete, provided with a suitable chimney.*
- 3.3.100.2 – Noncombustible Material – *A material that, in the form in which it is used and under the conditions anticipated, will not ignite, burn, support combustion, or release flammable vapors, when subjected to fire or heat; materials that are reported as passing ASTM E 136, Standard Test Method for Behavior of Materials in a Vertical Tube Furnace at 750°C, shall be considered noncombustible materials.*
- 4.6.4 – Spark Arresters – 4.6.4.1 – *Spark arresters, where required by the AHJ for chimneys attached to solid fuel-burning equipment, shall meet the following requirements:*
 - (3) *Openings shall not allow the passage of spheres having a diameter larger than ½ inch (12.7 mm) or block the passage of spheres having a diameter of less than 3/8 inch (9.5 mm).*
- 10.10.4.1 – *Permitted open fires shall be located not less than 50 ft (15m) from any structure.*
- 10.10.4.3 – *Recreational fires shall not be located within 25 ft (7.8 m) of a structure or combustible material unless contained in an approved manner.*
- 10.10.8.3 – *Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door.*

Recommendations: The intent of this bulletin is to outline recommendations from the Director of the N.H. Division of Forests and Lands, and the N.H. State Fire Marshal's Office regarding the allowance of these fireplaces without the required issuance of a Fire Permit per Res 5601.02.

The following shall apply in order for the fireplace to be considered an *exempt device* or *container* from the Fire Permit requirements.

- Any open-front/open-hearth fireplaces that are constructed outside of the structure (attached or separated) must meet the definition of NFPA 3.3.67.
- If attached to a structure, the construction and clearances of the fireplace/chimney shall meet the requirements of NFPA 211.
- The chimney shall be of such height as to properly regulate draft and control the emission of sparks.
- From the fireplace, extending out to a minimum of 10 feet, the ground shall be covered by a noncombustible material as defined by NFPA 211, 3.3.100.2.
- When in use, the opening of the fireplace shall be covered with a screened spark arrester which meets NFPA 4.6.4.1 (3).
- The fireplace construction and placement is in compliance with applicable local ordinances and building codes.

Examples of Fireplaces **Exempt** from the Forests & Lands Fire Permit Requirement
(With front screens in place while in use):



Examples of Fireplaces **NOT Exempt** from the Forests & Lands Permit Requirement:



For questions or additional information contact the Division of Forests and Lands at 603-271-2217 or the State Fire Marshal's Office at 603-223-4289.