- If the material being burned violates any state law, rule, local ordinance or New Hampshire Department of Environmental Services rules regarding open burning.

- If an open fire is left unattended at any time prior to it being completely extinguished.

- Except for public and private camp or picnic sites, if fires are kindled and material burned closer than 50' from any structure and if provisions are not made to prevent a fire from spreading to within 50' of a structure unless the fire is a category I fire in which case it shall not be closer than 25' from any structure.

- ***Fire permits shall not be issued to individuals who have had more than <u>two</u> open burning violations, or any grievous violations, within the past 7 years.***

COMMONLY ASKED QUESTIONS

1. What materials can be burned with a fire permit?

Brush and untreated wood cannot exceed 5 inches in diameter. No combustible domestic waste, treated wood or composite materials may be burned. RSA-125N defines "combustible domestic waste" as, but not limited to, <u>household trash, packaging materials, plastics, coated or laminated papers, rubber, painted or treated wood, coated or treated cardboard, oily rags, and animal, vegetable, and kitchen waste."</u>

2. How close to a structure can I kindle my fire?

A category I fire must be at least 25' from structures and category II or greater fire must be at least 50' from structures.

3. When can I kindle my fire?

A category I fire may be kindled with a permit at any time whether raining or not. A category II and category III fire may only be kindled with a permit between the hours of 5:00 pm and 9:00 am unless it is actually raining.

4. If I started my category II or III fire while it was raining and it stops raining do I have to extinguish the fire?

Yes! The fire must be extinguished and you will need to wait until after 5:00 pm to kindle it again.

5. Do you own the land where you plan to burn?

If not, you must have written landowner approval in order to receive a fire permit or furnish proof that you are a legal agent for the landowner.

6. Who can burn untreated wood?

On-site burning of untreated wood by the owner of a private, single family residence occupied by the owner, is allowed, provided that the material originates on-site. In addition, the NH Department of Environmental Services has rules that must be followed regarding the testing and abatement of asbestos prior to any demolishing any structure. Contact NH DES-Air Resources Division at 603-271-1370 for additional information.

7. Do you have adequate resources to control and completely extinguish your fire?

The permittee shall have sufficient water, tools and personnel necessary to control and completely extinguish the fire. A buried fire is not an extinguished fire.

8. Can I use tires or tubes to start my fire?

No! The NH DES has adopted rules that absolutely prohibit the burning of tires.

9. How old do I have to be in order to obtain a fire permit?

You must be at least 18 years old to obtain a fire permit.

This is a synopsis of the administrative rules, regulations, and laws contained in RSA 227-L. If you have questions please contact your local Forest Fire Warden, your Fire Department or your Forest Ranger.

REMEMBER

ONLY YOU CAN PREVENT WILDFIRES!

The NH Division of Forests and Lands is an equal opportunity educator an employer

IT'S THE LAW

FIRE PERMITS REQUIRED

DEPARTMENT OF RESOURCES & ECONOMIC DEVELOPMENT
NEW HAMPSHIRE
FORESTS & LANDS

DEPARTMENT OF RESOURCES AND ECONOMIC DEVELOPMENT
Division of Forests and Lands
PO Box 1856
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IT'S THE LAW
FIRE PERMITS REQUIRED

EVERY person, firm or corporation who kindles or causes to be kindled any fire or burns or causes to be burned any material, except when the ground is covered with snow, **SHALL** obtain a written fire permit from the Forest Fire Warden in the town or city where the fire will be kindled.

LIABILITIES

ANY person causing or kindling a fire without a written fire permit from the Forest Fire Warden, or the Warden's authorized agent, when such permit is required, and any person by whose negligence or the negligence of his agents any fire is caused, shall be liable in a civil action for the payment to the town, state or United States or any or all of the same of expenses incurred by the Forest Fire Warden or Deputy Warden in attending or extinguishing such fire.

PENALTIES

ANY person violating the permit law and its provisions, and any person who willfully or recklessly kindles a fire that endangers woodlands, shall be guilty of a misdemeanor punishable by a fine up to $2,000 and/or up to one year in jail, or both.

CATEGORY I, II, III, IV FIRE PERMITS

Category I, II, and III fires may be kindled only with written permission of the landowner or the landowner's agent and a written fire permit issued by the Forest Fire Warden, or the Warden's authorized agent in the town or city where the fire will be kindled.

Category IV fires may be kindled only with written permission of the landowner or landowner's agent and a written fire permit issued by the Forest Ranger and Forest Fire Warden, or the Warden's authorized agent in the town or city where the fire will be kindled.

A gas grill or charcoal fire in a container up and off the ground kindled by the landowner or with the landowner's permission does not require a written fire permit.

DEFINITIONS

- ***"Open Burning"*** means the burning of any material wherein the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed container. The use of portable fireplaces is considered open burning.

- ***"Completely Extinguished"*** means to extinguish so that it emits no smoke, heat or flames. The term does not include a buried fire.

- ***"Raining"*** means sustained precipitation that is actively occurring of sufficient intensity and duration so as to prevent the fire from spreading in woodland fuels.

- ***"Ground Covered With Snow"*** *means the area within a 100' radius from the fire edge is covered with snow or other frozen precipitation sufficient to prevent the combustion of woodland fuels until the fire is completely extinguished.*

- ***"Kindle"*** means from the point of ignition to the time of complete extinguishment.

- ***"Permittee"*** means a landowner or a person having permission from the landowner.

- ***"Attended"*** means that an individual responsible for the fire and capable of extinguishing the fire is on the same property as the fire, is able to immediately extinguish the fire, and has the fire in plain view.

- ***"Seasonal Permit"*** means a permit issued on an annual basis for a category I, II and IV fire.

- ***"Category I Fire"*** means a small controlled fire, such as a camp or cooking fire, no greater than 2' in diameter contained within a ring of fire resistive material or in a portable fireplace. A category I fire, conditions permitting, may be kindled with a permit at any time of day whether raining or not.

- ***"Category II Fire"*** means a controlled fire, such as a camp or cooking fire, no greater than 4' in diameter contained within a ring of fire resistive material or in a portable fireplace. A category II fire, conditions permitting, may only be kindled with a permit between the hours of 5:00 pm and 9:00 am unless it is actually raining.

- ***"Category III Fire"*** means any other fire, not a category I or category II fire or a fire greater than 4' in diameter or a fire not contained within a ring of resistive material. A category III fire, conditions permitting, may only be kindled with a permit between the hours of 5:00 pm and 9:00 am unless it is actually raining.

- ***"Category IV Commercial Fire"*** *means a fire, other than a category I fire, that can be kindled with a permit between the hours of 9:00 am and 5:00 pm whether raining or not.* ***A permit for this fire would be issued jointly between the Forest Ranger and the Forest Fire Warden or the Warden's authorized agent. The permittee must comply with additional special provisions to qualify for a category IV fire permit.***

RULES AND REGULATIONS

A written fire permit shall be **Summarily Suspended** if any of the following fire permit restrictions are violated, and an **Official Notice** or a **Summons** may be issued to the violator for the following:

- If a fire is kindled or material is burned between the hours of **9:00 a.m. and 5:00 p.m.** unless it is actually raining, except for category I and IV fire permits.

- If a fire is kindled which is in non-conformance with the permit information provided for by RES 5601.04(b) for a category I, II, III fire or RES 5601.05(b) for a category IV fire.

- If a fire is kindled or material is burned during unfavorable weather conditions (wind, lack of precipitation, or other factors increasing fire hazard) or when a proclamation closing the woodlands is in force.

- If a fire is kindled or material is burned when specified assistance or suppression equipment is not present to control the fire.

- If the permittee fails to keep the fire under control or if the Director, Division of Forests and Lands, or his authorized agents or the Forest Fire Warden feel that the material being burned is causing an unusual hazard endangering life or property or both.