



MECKLENBURG COUNTY FIRE MARSHAL'S OFFICE



Open Burning and Recreational Fires

This document describes the legal requirements for outdoor fires within the areas of Mecklenburg County under the jurisdiction of the Mecklenburg County Fire Marshal's Office. The City of Charlotte has a separate ordinance that may have different requirements from the rules applying to the rest of Mecklenburg County.

Open Burning: The burning of materials where products of combustion (smoke and gases), are emitted directly into the air without passing through a stack or chimney from an enclosed chamber.

Examples: Piles of brush, logs, yard waste or leaves, burning of crops or fields, and bonfires.

Does NOT include: Road flares, open flame devices, recreational fires, or portable outdoor fireplaces.

Open burning is prohibited by the NC Fire Prevention Code and the Mecklenburg County Air Pollution Control Ordinance, **unless a permit has been issued by the MC Fire Marshal's Office.** Permits may be issued at the discretion of the Fire Marshal for the following purposes as outlined in the Fire Code and MCAPCO:

- Fire department training fires.
- Agricultural purposes or prescribed fires for land management.
- Extenuating circumstances as reviewed and authorized by both the Fire Marshal's Office and Air Quality Division.

Multiple factors are considered in addition to the purpose of the open burning, such as weather conditions. Depending on the location of the proposed open burning, some fires may also require permits from the North Carolina Forest Service.

Open burning of leaves, logs, stumps, tree branches or yard trimmings is **prohibited** by NC and Mecklenburg County Air Quality Regulations **where public pickup services are available.**

The burning of tires, rubber, rubbish, refuse, paints, paper, cardboard, building materials, chemicals, shingles, oils, and synthetic items is **strictly prohibited under all circumstances.**

Open burning, when permitted, must not take place within 50 feet from a structure, approved extinguishing equipment must be available for immediate use and fires must be constantly attended until extinguished.

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Recreational Fire: a fire started for religious, ceremonial, cooking, or warmth purposes. It can be no larger than 3 feet in diameter and 2 feet in height.

Examples: Campfires or fires for the purposes above in handmade fire pits.

Does NOT include: Outdoor fireplaces, portable outdoor fireplaces, barbecue grills or pits.

Recreational fires are not considered open burning, and no permit is required.

- Fires must be located greater than 25 feet from a structure or combustible material.
- Fires must be constantly attended until the fire is extinguished.
- Approved extinguishing equipment must be available for immediate use. Approved extinguishing equipment includes a garden hose (connected to a water supply and ready for use), a properly maintained fire extinguisher with a minimum rating of 4A, water truck, adequate dirt, and sand to completely smother the fire and shovels.

Portable Outdoor Fireplaces: These are portable, outdoor solid fuel burning fireplaces that may be constructed of steel, concrete, clay, or other noncombustible material. They may be open in design, such as small metal fire pits, or may be equipped with a hearth opening and chimney or chimney opening. Outdoor fireplaces have similar design characteristics but are not portable.

Examples: Commercially manufactured fire pits, chimneys, etc.

Does NOT include: Fixed outdoor fireplaces, campfires, hand-dug fire pits.

Portable outdoor fireplaces are not considered open burning, and no permit is required.

- Like all other fires, portable outdoor fireplaces must be attended until the fire is extinguished, and approved extinguishing equipment must be available for immediate use.
- Portable outdoor fireplaces may only be operated at least 15 feet from a structure or combustible material, except at one- and two-family dwellings.

Frequently Asked Questions

Q1: I have a metal barrel and would like to burn sticks, leaves and other natural debris from my yard, is this allowed?

A1: The size and construction of the barrel is not so much the issue, as what is being burned in this container **and for what reason?**

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The burning of natural vegetation and wood in a portable outdoor container is permitted, provided it is constantly attended and approved extinguishing equipment is available.

However, the fire must be for recreational, religious, ceremonial, cooking, or warming purposes.

**** Not to discard yard waste or other materials ****

Exception: There are no public pick up services and a burn permit has been issued by the Mecklenburg County Fire Marshal's Office.

The burning of tires, rubber, rubbish, refuse, paints, paper, cardboard, building materials, chemicals, shingles, oils, and synthetic items is strictly *prohibited under all circumstances*.

Q2: My neighbor is burning, and the smoke is objectionable to me. What can be done about this?

A2: As long as your neighbor's fire is within a portable outdoor fireplace, fire pit, or other approved portable container and the burning is of non-prohibited materials, constantly attended, with approved extinguishing equipment available, then the fire is in compliance with local, county and State regulations.

Q3: A recent storm took down several large trees on my property, Can I burn them to get rid of them?

A3: NC Air Quality Regulations do provide the possibility for burning natural vegetation debris that is the result of a natural disaster, however it requires special permission from the Regional Director of the Air Quality Division and it must be demonstrated that there are no other practical disposal solutions available. It is unlikely in most cases that permission for this would be granted due to the strict requirements of the Mecklenburg County Air Pollution Control Ordinance.

References:

2018 North Carolina Fire Code

Mecklenburg County Fire Prevention Ordinance

Mecklenburg County Air Pollution Control Ordinance (MCAPCO)

15A NCAC 02D .1900 (NC Air Quality Rules on Open Burning)

NC GS 106-940 through 950 and 106-965 through 970.

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