RE: Open Burning within City of Hagerstown

June 14, 2016

The following was adopted in SECTION 7: Chapter 98 of the Code of the City of Hagerstown, §98-4 reads:

§98-4. Open Burning Restricted.

A. It shall be unlawful for any person to burn or to permit any other person to burn on his property any fires or combustible material within the City limits of Hagerstown, except as may be provided for by other provisions of this code not inconsistent within.

B. Nothing in this regulation shall prohibited the those outdoor fires utilized for cooking purposes provided that the fire is located in an approved grill, barbecue or other approved cooking appliance, and is not being utilized in a manner violating other applicable fire regulations.

C. Nothing in this regulation shall prohibit the use of approved, self-contained patio-style stoves or similar devices provided the device is used in accordance with all manufacturer’s specifications and requirements, and is not being utilized in a manner violating other applicable fire regulations.

D. Approved grills, barbecues or other approved appliances shall be maintained in good condition and operated as directed in a manner consistent with the manufactures directions.

E. Bonfires at special functions may be permitted, provided that a permit is first obtained from the City Fire Marshal's Office. Certain restrictions or conditions may be required by the Fire Marshal before a permit is issued, and the Fire Marshal may refuse to issue a permit if the conditions are not met or if the hazards of such a function exceed reasonable safeguards.

Additionally, the State Fire Prevention Code (NFPA 1, 2009 edition) adds additional requirements when outdoor fires are permitted in a jurisdiction. Some of the sections which apply here are:

10.11.3 Open fires and cooking fires shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to the water supply or other fire-extinguishing equipment readily available for use.

10.11.7 For other than one- and two-family dwellings, no hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any
overhanging portion or within 15 ft of any structure. Listed electric ranges, grills, or similar electrical apparatus shall be permitted.

10.11.8 Every commercial incinerator and commercial barbecue fireplace shall be equipped and maintained with a spark arrester and shall be maintained in good condition, working order, and repair at all times.

10.11.9 Discontinuance. The (Fire Marshal / Fire Dept) shall be authorized to require any fire to be immediately discontinued if the fire is determined to constitute a hazardous condition.

In short, the commercial equipment for outdoor fires is approved for use within the City with the following conditions:

- Only commercially purchased equipment is permitted. Not homemade devices or unenclosed “fire pit”.
- Equipment must be in good condition and used and maintained in accordance with the manufactures instructions. This includes the use of all screens.
- Only firewood is permitted to be used. The burning of trash, leaves, old lumber and other debris is prohibited.
- The equipment must be located at least 15 feet from any structure.
- Smoke can not create a nuisance within the neighborhood.

Below are some examples of approved commercial equipment sold in stores in Hagerstown:

When the person burning is not the property owner, then they must also have permission from the property owner to burn on the property.