

DEPARTMENT OF LICENSES AND INSPECTIONS CODE BULLETIN OF INFORMATION No. F-0602 R1		CODE OF GENERAL ORDINANCES OF THE CITY OF PHILADELPHIA
SUBJECT OF BULLETIN: OUTDOOR PORTABLE FIREPLACES		TITLE 4 – BUILDING CONSTRUCTION AND OCCUPANCY CODE
		REFERENCE CODE SECTION(S): F-302, F-305 F-307 and F-603.7
ISSUED BY		ISSUE DATE: 6/7/06 [Revised 8/10]
NAMES: David J. Perri, P.E. Richard Bailey, Battalion Chief	SIGNATURES:	
TITLES: Chief Code Official, Department of Licenses and Inspections Chief Fire Code Official, Fire Department		PAGE 1 OF 2

ISSUE

Inquiries have been made to the Department of Licenses and Inspections and the Fire Department regarding the use of outdoor fireplaces. The intent of this Code Bulletin is to establish the types of outdoor fireplaces that are permitted and fire safety requirements for their use.

DISCUSSION

Portable outdoor burning devices, commonly known as outdoor or patio fireplaces or Chimenea, designed to burn wood, other combustible materials or propane are being used by residents in their yards for ambience (effect) and to provide a small amount of warmth. They are sold at hardware, department and home improvement stores.

Portable outdoor fireplaces are manufactured in various shapes and sizes and are usually constructed of metal, concrete, or clay (See Attachment 1 for photos). All of the fireplaces designed to burn combustible materials have an opening at the side or top to place the fuel into the device, and some have a stack or chimney. Some look like a potbelly stove. Those without a stack or chimney are shaped similar to a flowerpot or planter (wide opening at the top) with a spherical screen designed to cover the opening at the top. The fireplaces fueled by propane are similar in design to those burning combustible materials, but have a propane cylinder integrated into the unit below the burner. None of the non-propane fireplaces inspected were built to any national standards or had a listing or test certification by a testing agency.

The Fire Code, in Section 307, prohibits open burning, except by approval. Section 302 of the code defines open burning as the burning of materials outdoors where products of combustion are emitted directly into the air without passing through a stack or chimney from an enclosed chamber contained within an appliance.

The Air Management Code, in Section 3-202, prohibits open fires, except for outdoor home cooking (barbecue cooking). Section 3-102 defines open fires as fires producing products of combustion that are emitted directly into the atmosphere without passing through a stack or chimney. Section 3-202 prohibits the burning of any waste material.

The International Code Council commentary to the 2003 International Fire Code (2004 Philadelphia Fire Code with amendments) states that “A recent innovation that is sometimes incorrectly treated as open burning is the patio fireplace.” The commentary further states that “These devices neither meet the literal definition of ‘Open Burning’ nor is their use the type of burning intended to be regulated by Section 307. The

commentary is the opinion of the International Code Council regarding the meaning and intent of the International Fire Code, but it is not a part of the code.

The Philadelphia Fire Code, in Section 305.1, indicates that clearance of at least two (2) feet, or greater where required, between ignition sources, such as flame-producing devices, and combustible materials shall be maintained in an approved manner. Exception one (1) of section 307.4 of the code, regarding open burning, indicates that fires in approved containers must be at least 15 feet from a structure. In Section 603.7, the fire code official is authorized to take measures to prevent the operation of any heat-producing device when there is the existence of an immediate fire hazard.

DIRECTION

It is clearly implied in the Fire Code that the Department of Licenses and Inspections and the Fire Department are responsible for fire safety throughout the city. The unregulated use of outdoor fireplaces is a fire hazard. Therefore, portable outdoor fireplaces will be permitted only when in conformance with the following requirements or the manufacturer's instructions in any instance where those instructions are more restrictive:

1. Portable outdoor fireplaces shall be completely enclosed (solid material or heavy-duty screening or both) with or without a stack or chimney, but those burning combustible materials shall have a screen at the top to prevent large embers that may cause a fire from escaping into the atmosphere. All materials shall be in good repair and safe condition.
2. Portable outdoor fireplaces designed to burn combustible materials shall use an appropriate type of fuel such as non-pressure-treated wood, charcoal or fireplace logs. Propane units shall use only propane. No waste material or any material that is likely to cause excessive smoke or noxious odors shall be used. The amount of fuel in use shall not exceed the safe capacity of the device.
3. Portable outdoor fireplaces shall be at least 15 feet from a structure, including decks and balconies. Their placement shall be stable and reasonably level so as to make tipping unlikely. They shall not be used on a deck, within any tent, or on or under any roof.
4. Portable outdoor fireplaces shall be constantly attended until the fire is extinguished.



