# **01 DEPARTMENT OF AGRICULTURE, CONSERVATION AND FORESTRY**

**669 BUREAU OF FORESTRY**

**Chapter 501: USE OF OUTDOOR FIREPLACES AND GRILLS**

**SUMMARY**: With few exceptions, fire permits are required for all outdoor fires in Maine. When fire danger conditions are severe, the Governor may ban some or all outdoor fires. Section 1 describes the conditions under which certain public or licensed campsites may continue to use outdoor fireplaces and charcoal grills during a fire ban. Section 2 describes the conditions, when a fire ban is not in place, under which certain public or private facilities or campsites may obtain a general permit, in lieu of a single-use fire pen-nit, from the Bureau to use outdoor fireplaces and charcoal grills. A facility or campsite may apply for an exemption under Section 1. and for a general, fire permit under Section 2. if it meets the qualifications.

**SECTION 1. CONTINUED USE OF OUTDOOR FIREPLACES AND CHARCOAL GRILLS DURING A FIRE BAN**

1. **Scope and Purpose**

Under Title 12, M.R.S.A., Chapter 807, the Governor may, by proclamation, ban outdoor fires as considered necessary. The chapter also permits the governor to allow licensed camping facilities and certain public campsites to continue outdoor fireplace and charcoal grill use during a ban, provided they fully comply with fire safety criteria and procedures established by the Bureau. The purpose of Section 1 is to establish the specific safety standards that must be met, and the process that eligible campsites follow, to obtain a certificate permitting continued use of outdoor fireplaces and charcoal grills during a fire ban.

2. **Definitions**

A. "Bureau" means the Bureau of Forestry, Department of Agriculture, Conservation and Forestry.

B. "Director" means the Director of the Bureau of Forestry or delegate.

C. "Eligible Campsite" means a "licensed camping facility" or a "certain public campsite." A "licensed camping facility" is a recreational camp or camping area licensed by the Department of Human Services, under Title 22, M.R.S.A., Chapter 562. "Certain public campsites" is any camping facility under the jurisdiction of the State of Maine's Department of Agriculture, Conservation and Forestry or the Baxter State Park Authority, per Title 12 M.R.S.A., Chapter 807.

D. "Exemption Certificate" is a written confirmation from the Director approving the owner-operator's application and statement certifying compliance with the requirements of this rule, and permitting continued use of fireplace and grills during fire bans.

3. **Obtaining an Exemption Certificate from Proclaimed Fire Bans**

A. **Application Process**. Only eligible campsites may apply for a confirmation certificate, and for only those fireplaces and grills that meet the Fire Safety Requirements of Attachment A. The owner/operator may obtain a certificate by providing the following information in writing:

(1) Copy of the license, if a licensed camping facility;

(2) Map identifying the location of the campground and campsites;

(3) Sketch of the location and size of each fireplace and grill to be exempted

(4) The name, address, and telephone number(s) of the owner(s)/operator(s);

(5) Certification by the owner/operator that all Fire Safety Requirements (Attachment A) of this rule have been met and will continue to be met; and (6) Certification that a notice of a fire ban proclamation(s) and the Fire Safety Standards of Appendix A will be posted timely at the campsite and remain posted during each fire ban.

B. **Timing of Application**. Applications for confirmation certificates may be submitted at any time when a fire ban is not in place. Once the governor proclaims a fire ban, the Bureau will process only applications received before the effective date of the ban, or postmarked at least seven days prior to the effective date of the ban. Certificates for applications received after this deadline will not be issued until the current ban ends.

C. **Issuance of Certificate**. If the application complies with this rule, the Bureau will issue an Exemption Certificate to the owner/operator -which permits the eligible campsite to continue outdoor fireplace and charcoal grill fires in listed sites during proclaimed fire bans. The Exemption Certificate is not intended as proof that the campsite complies with this rule.

4. **Maintaining Exemption Status**

To maintain exemption status, the eligible campsite must:

A. Have a valid Exemption Certificate;

B. Send the Bureau a written update, if the information required under Subsection 3 chances;

C. Comply with the Fire Safety Requirements of Appendix A, and other requirements of this rule; and

D. Have the Exemption Certificate readily available for inspection by the Bureau or its delegate at the campsite's nearest office.

5. **Termination and Restoration of Exemption Certificate**

A. **Termination**

The Exemption Certificate will be terminated if:

(1) In the Director's judgment, the site does not meet the Fire Safety Requirements of Appendix A or other requirements of this rule; or

(2) The Bureau has not been notified of changes in owner, operator, or other site information as required by Subsection 3; or

(3) The Governor’s fire ban proclamation or valid law repeals or limits the exemption from fire bans.

B. **Restoration**

(1) If the Exemption Certificate is terminated for violation, exemption status will only be restored upon written request, and after a compliance inspection is conducted and the Director determines the eligible campsite fully meets all requirements of this rule.

(2) If restoration is requested after a Governor’s Proclamation has been issued, the request will not be processed until the ban ends, unless the request was postmarked at least seven days prior to the effective date of the fire ban.

**SECTION 2. GENERAL FIRE PERMITS FOR OUTDOOR FIREPLACE AND CHARCOAL GRILL USE WHEN A BAN IS NOT IN PLACE**

1. **Scope, Purpose, and Applicability**

A. **Scope and Purpose**. Under Title 12 M.R.S.A. Chapter 807, with few exceptions, fire permits are required for all outdoor fires on state, municipal, or private lands within Maine. The purpose of Section 2. is to establish fire safety standards and the process that facilities covered by this section may follow to obtain a general fire permit, in lieu of a single-use fire permit, for outdoor fireplace and charcoal grill use. Sites with general fire pen-nits are not automatically exempted from a Governor’s Proclamation banning outdoor fires.

B. **Applicability**. Section 2 applies to licensed camping facilities in unorganized towns, public and municipal campsites statewide, public and municipal outdoor facilities with fireplaces or charcoal grills statewide, and other non-residential campsites statewide. Per Title 12 M.R.S.A. Chapter 802, Section 2 does not apply to residential use of fireplaces and grills, recreational fires when the ground is covered with snow, and fireplaces and grills in a recreational camp or camping area licensed by the Department of Health and Human Services located in organized towns, which are exempt from fire pen-nit requirements.

2. **Definitions**

A. A "General Permit" is a written document from the Bureau verifying that a facility or campsite has been inspected and meets the Fire Safety Requirements or has a fire plan approved by the Director. The general permit authorizes outdoor fireplace or charcoal grill use at that facility without the need for a new fire permit each time the fireplace or grill is used.

B. "Bureau" means the Bureau of Forestry, Department of Agriculture, Conservation and Forestry.

C. "Director" means the Director of the Bureau of Forestry or delegate.

3. **Obtaining and Maintaining General Permit for Outdoor Fireplaces and Charcoal Grills**

A. Facilities and Campsites covered by Section 2. may apply for a general permit from the Bureau's Forest Fire Control Division using one of the following methods:

(1) Arrange for a Bureau or a Bureau-delegate to inspect and approve each fireplace or charcoal grill site as complying with Fire Safety Requirements of Appendix A, Subsections A and B; or

(2) In lieu of inspection, submit for the Director's approval, a detailed written forest fire prevention and management plan which includes:

(a) proposed fire safety criteria for fireplaces and grills;

(b) a mechanism for restricting open fires in fireplaces and grills based on current and predicted fire danger; and

(c) a statement describing how the facility will police open burning activity in the fireplaces and grills.

B. If the site passes inspection, or the Director approves the fire management plan as submitted or with special conditions, the Bureau will issue the general permit to the owner/operator.

C. To maintain general permit status, the site must continue to comply with Fire Safety Requirements of Appendix A, Subsections A and B, and the owner/operator must have the general permit readily available for inspection by the Bureau or designated agent.

5. **Suspension and Restoration of General Permit Status**

A. General Permit status will be suspended when:

(1) The Bureau notifies the owner/operator in writing that in the Director's judgment, the site does not meet the Fire Safety Requirements of Appendix A, Subsections A and B, or other requirements of this Section; or

(2) The Governor proclaims a fire ban.

B. **Restoration of General Permit Status**

(1) If General Permit status is suspended for violation, a new General Permit will be issued only upon written request, and after a compliance inspection is conducted and the Director determines the eligible campsite fully meets all requirements of this Section.

(2) If General Permit status is suspended solely due to a proclaimed fire ban, it will automatically be restored after the fire ban has ended. The owner/operator should not reapply and the Bureau will not issue a new General Permit.

**SECTION 3. WAIVER OF RULE**

Any party governed by this rule may ask the Bureau to waive one or more requirements of the rule. The request must be in writing, describe the reasons for the request and alternative measures, and explain how a waiver would be consistent with the purposes of this rule and permitted under existing state statutes. The Director will review the request, and may inspect the site or ask for public comment, before issuing a written decision on the request.

STATUTORY AUTHORITY: 12 M.R.S.A. §9001-B(4); 12 M.R.S.A. §9325

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August 15. 1977 (as Chapter 5)

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**APPENDIX A**

**Fire Safety Requirements for Outdoor Fireplaces and Charcoal Grills**

**A. Fireplace and Charcoal Grill Use**

1. All surface fuels surrounding, the fireplace or charcoal grill must be removed to mineral soil for a distance equal to the diameter of the fireplace or grill. (Example: a 24 inch diameter fireplace must have a 24 inch wide mineral strip surrounding the entire fireplace.)

2. For charcoal grills on a stand or above ground level, the mineral strip must encircle the grill and the mineral strip width must be 1 1/2. times the above ground height of the grill. (Example: A Charcoal grill on a 3 foot stand must have a mineral strip 4 1/2 feet wide surrounding the grill.)

3. No accumulation of litter or other combustible materials may be present in the mineral strip area.

4. There must be no overhanging branches closer than 15 feet from the fireplace or grill, and the 15 foot area immediately surrounding the fireplace or grill must be kept mowed of grass and cleared of underbrush which could spread a forest fire.

**B. Combustible Shelters Within 30 Feet of a Fireplace or Grill**

If a combustible shelter is within 30 feet of a fireplace or grill, the area between the shelter and the fireplace or grill must be clear of underbrush and unmowed grass. Combustible shelters include lean-tos, picnic area shelters, and other semi-permanent shelters which are installed or managed by the facility operator/owner.

**C. Attendant Required During Fire Ban Periods**

During a fire ban, campgrounds with a combination of more than 20 fireplaces or charcoal grills must have an attendant on duty during daylight hours.

**D. Campsite Access During Fire Ban Periods**

Campsites must be readily reachable by passenger car or truck. Sites that can only be reached by hiking trail, specialized off road vehicles, aircraft, or boat do not qualify for exemption from the ban.

Issued by the Department of Agriculture, Conservation and Forestry

Bureau of Forestry, Forest Fire Control Division

Effective Date: June 6, 1998.