



Randy Phillips, Fire Chief  
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## Open Burning Policy of the City of Topeka Fire Department

There are several types of open burning allowed in the city of Topeka, recreational fires, residential open burning, commercial open burning, and agricultural open burning. These types of fires are covered under the following 2015 International Fire Codes:

**307.2 Permit Required.** A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized silvicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

**307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the state or local air and water quality management authority, provided that all conditions specified in the authorization are followed.

### **Exception: Recreational Fires in accordance with the City of Topeka Municipal Code**

**144050 Ch. 1, Section 105.6.32, Open burning.** An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: Recreational Fires defined at subsection (a) and (b):

- (a) An outdoor fire burning approved material, at ground level, other than rubbish with a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking warmth or similar purposes.
- (b) An outdoor fire burning approved material other than rubbish in a commercially produced fire pit or fireplace with a total fuel area of 3 feet or less in diameter and 2 feet or less in height for pleasure, religious, ceremonial, cooking warmth or similar purposes.

**307.4.2 Recreational Fires.** Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.



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## **RECREATIONAL FIRES**

This type of fire does not require a permit; however, we request you contact dispatch 785-368-9514 to determine if weather conditions are acceptable to allow burning.

Recreational and cooking fires, specifically fire pits, are allowed within the City of Topeka and do not require a permit.

Recreational fires are restricted to be **no larger than 3 feet in diameter and the pile no more than 2 feet tall**. These fires are for recreation or cooking only and not to be used for the disposal of yard waste; these are truly intended to be a campfire-type setting. The fire should be either a pit dug into the ground and lined with rock, a fire ring, or a commercial fire pit. All vegetation that could cause the fire to spread should be cleared and a competent person shall constantly attend these fires. This person shall have a garden hose connected to a water supply or have other approved fire extinguishing equipment readily available for use.

**As with all open fires, only clean untreated wood should be used.** If a recreational fire is using anything other than clean untreated wood it shall be extinguished.

As with any open burning within the City of Topeka the Fire Department reserves the right to extinguish any fire that is causing a nuisance or emitting large amounts of smoke

**The responding Company Officer has the authority, as a designee of the Fire Chief, to extinguish any fire deemed to be a nuisance or emitting large amounts of smoke.**

Violations of open burning regulation may result in a suspension or revocation of an open burning permit, or may result in a Municipal Court Citation. If a responding company officer determines that violations of the City of Topeka Open Burning policies have occurred, an Investigator should be called to the scene to determine if a Municipal Court Citation will be issued.

## **RESIDENTIAL OPEN BURNING**

This type of fire requires an annual permit.

The approved permit shall be in possession of person doing burning or available for immediate inspection.

Residential burn permits are issued through the Inspection Unit. During the calendar year of application, all residential burn permits will be issued after an on-site visit with the resident present.

Residential open burning is approved for burning piles of clean untreated wood and garden debris. This does not include burning of grass clippings, standing grass or leaves. Burning in a barrel is prohibited.



Even with a permit open burning is not authorized until dispatch has been called and approval is given.

Rules for residential open burning:

- The approved permit shall be in possession of the person doing the burning or available for immediate inspection.
- Burning is only allowed during daylight hours. Fires must be extinguished at sundown.
- No burning during periods when surface wind speed is less than 5mph or more than 15mph.
- No burning during inclement or foggy conditions or on very cloudy days (ceiling less than 2000')
- No burning within 50 feet of any structure.
- No burning of heavy smoke-producing materials including heavy oils, tires, tarpaper, or any material which gives off an offensive odor or smoke that is of soiling soot content.
- The Fire Chief or his designee reserves the right to modify or revoke this permit at any time.
- A competent person shall constantly attend open fires and bonfires until such fire is extinguished. This person shall have a garden hose connected to a water supply or other approved fire extinguishing equipment readily available for use.
- Fire Dispatch will be notified prior to lighting the pile for authorization at 785-368-9514
- Fire Dispatch will be notified once the fire has been extinguished at 785-368-9514
- Burning operations shall meet the minimum requirements stated above and the open burning regulations of the State of Kansas: K.A.R. 28-19-645 - 28-19-648.

**The following is a list of items that ARE NOT allowed to be burned within the city limits or within Shawnee County. The list includes, but is not limited to:**

- |   |   |                              |
|---|---|------------------------------|
| • Leaves                                | • Paint cans, rollers, brushes, trays     | • Treated Lumber (CCA)       |
| • Grass Clippings                       | • Carpet and padding                      | • Railroad ties              |
| • No burning off standing lawn or grass | • Linoleum                                | • Telephone poles            |
| • No burning in barrels                 | • Oriented-strand board (OSB)             | • Wet or green timber        |
| • Paper                                 | • Wafer and Particle boards               | • Household furnishings      |
| • Pallets                               | • Caulking tubes                          | • Household hazardous wastes |
| • Shingles                              | • Electrical wires                        | • Asbestos material          |
| • Vinyl siding                          | • Conduit pipe                            | • Petroleum products         |
| • Masonite siding                       | • Junction boxes                          | • Dead animals               |
| • Wood paneling                         | • PVC pipe                                | • Metals                     |
| • Primed or Painted wood                | • Plastics                                | • Tires                      |
| • Plywood                               | • Insulation, fiberglass, foam, styrofoam | • Oil                        |
| • Varnished or finished wood            | • Trash (residential or commercial)       | • Aerosol cans               |
| • Housewrap (Tyvek)                     |   |                              |



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**The responding Company Officer has the authority, as a designee of the Fire Chief, to extinguish any fire deemed to be a nuisance or emitting large amounts of smoke.**

Violations of City of the Topeka Open Burning Regulation can cause suspension or revocation of the, open burning permit or result in a Municipal Court Citation. If a responding company officer determines that violations of the City of Topeka Open Burning policies have occurred, an Investigator should be called to the scene to determine if a Municipal Court Citation will be issued.

### **COMMERCIAL OPEN BURNING**

This type of fire does require a burning permit from the City of Topeka as well as an approval letter from the Kansas Department of Health and Environment (KDHE).

The approved permit and KDHE approval letter shall be in possession of person doing burning or available for immediate inspection.

Commercial permits are required for any business or non-private entity wishing to conduct open burning on private or commercial grounds within the City of Topeka. This permit requires an application through the Inspection unit, onsite inspection and approval from KDHE.

Commercial Open Burning follows the same basic guidelines as Residential Open Burning. As with any open burning only approved items are allowed to be burned. These items mirror the Residential Open Burning policies. A competent person shall constantly attend these fires.

### **OPEN BURNING OPERATION CONDITIONS**

Each open burning operation for which the department issues approval shall be subject to the following conditions, except as provided [K.A.R. 28-19-647(e)]:

1. The person conducting the burning shall stockpile the material to be burned, dry it to the extent possible before it is burned, and assure that it is free of matter that will inhibit good combustion.
2. A person shall not burn heavy smoke-producing material including heavy oils, tires, and tarpaper.
3. A person shall not initiate burning during the nighttime, which for the purposes of this regulation is defined as the period from two hours before sunset until one hour after sunrise. A person shall not add material to a fire after two hours before sunset.



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4. A person shall not burn during inclement or foggy conditions or on very cloudy days, which are defined as days with more than 0.7 cloud cover and with a ceiling of less than 2,000 feet.
5. A person shall not burn during periods when surface wind speed is less than 5 mph or more than 15 mph.
6. A person shall not burn within 1,000 feet of any occupied dwelling unless the occupant of that dwelling has been notified before the burn.
7. A person shall not conduct a burn that creates traffic or another safety hazard. If burning is to take place within 1,000 feet of a roadway, the person conducting the burn shall notify the highway patrol, sheriff's office, or other appropriate state or local traffic authority before the burning begins. If burning is to take place within one mile of an airport, the person conducting the burn shall notify the airport authority before the burning begins.
8. The person conducting the burn shall ensure that the burning is supervised until the fire is extinguished.
9. The Department may revoke any approval upon 30-day notice.

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Violations of City of the Topeka Open Burning Regulation can cause suspension or revocation of the, open burning permit or result in a Municipal Court Citation. If a responding company officer determines that violations of the City of Topeka Open Burning policies have occurred, an Investigator should be called to the scene to determine if a Municipal Court Citation will be issued.

### **AGRICULTURAL OPEN BURNING**

This type of open burning requires a Topeka Fire Department Commercial burning Permit. The approved permit shall be in possession of a person doing burning or available for immediate inspection.

Even with a permit agricultural open burning is not authorized until dispatch has been called and approval is given.

This type of open burning is **NOT** allowed at residential properties.

Open burning of vegetation such as grass, woody species, crop residue, and other dry plant growth for the purpose of crop, range, pasture, wildlife or watershed management shall be exempt from



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the prohibition on the open burning of any materials imposed by K.A.R. 28-19-645, provided that the following conditions are met:

1. the person conducting the burn shall notify the local fire control authority with jurisdiction over the area before the burning begins, unless the appropriate local governing body has established a policy that notification is not required;
2. A person shall not conduct a burn that creates a traffic safety hazard. If conditions exist that may result in smoke blowing toward a public roadway, the person conducting the burn shall give adequate notification to the highway patrol, sheriff's office or other appropriate state or local traffic control authorities before burning;
3. A person shall not conduct a burn that creates an airport safety hazard. If smoke may affect visibility at an airport, the person conducting the burn shall give adequate notification to the appropriate airport authorities before burning; and
4. The person conducting the burn shall insure that the burning is supervised until the fire is extinguished.

Nothing in this regulation shall restrict the authority of local jurisdictions to adopt more restrictive ordinances or resolutions governing agricultural open burning operations. (Authorized by K.S.A. 1994 Supp. 65-3005; implementing K.S.A. 1994 Supp. 65-3005, K.S.A. 65-3010; effective March 1, 1996.)

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**The responding Company Officer has the authority as a designee of the Fire Chief to extinguish any fire deemed to be a nuisance or emitting large amounts of smoke.**

Violations of the City of the Topeka Open Burning Regulation can cause suspension or revocation of the open burning permit or result in a Municipal Court Citation. If a responding company officer determines that violations of the City of Topeka Open Burning policies have occurred, an Investigator should be called to the scene to determine if a Municipal Court Citation will be issued.

Please direct any questions or concerns to the Fire Marshal, 785-368-4130.