

ORDINANCE NO. 2293-18

**AN ORDINANCE OF THE CITY OF WOODBURY AMENDING
CHAPTER 89 "FIRE PREVENTION"
OF THE CODE OF THE CITY OF WOODBURY**

WHEREAS, the following amendments to Chapter 89 have been recommended to the Mayor and Council of the City of Woodbury to add Article II: Open Burning to the Code of the City of Woodbury; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Woodbury as follows:

Chapter 89. Fire Prevention Article II. Open Burning of the Code of the City of Woodbury, is hereby ADDED and shall read in its entirety as follows:

See attached Exhibit A

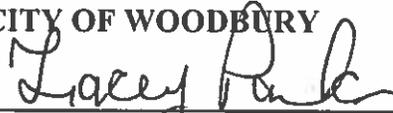
BE IT FURTHER ORDAINED that all other sections of Chapter 89 shall remain in full force and effect.

BE IT FURTHER ORDAINED to the extent that any portion of the within Ordinance is declared in any way unenforceable same shall not affect the remaining provisions in this Ordinance.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon passage and publication as required by law.

THE FOREGOING was introduced by the City Council of the City of Woodbury at a regular meeting held on September 11, 2018. This Ordinance will be considered for adoption at final reading and public hearing to be held on September 25, 2018 at 7:30 p.m. or at such time as may be determined and announced, in City Hall, Council Chambers, 33 Delaware Street, Woodbury, New Jersey, at which time and place all persons interested will be given the opportunity to be heard concerning said Ordinance. During the time prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the City Clerk's Office to the members of the general public who may request same.

CITY OF WOODBURY



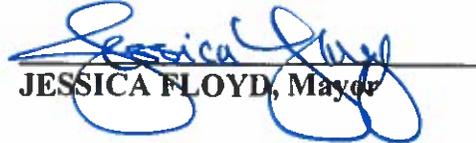
By: TRACEY PARKER,
President of Council

ATTEST:



DANEEN FUSS, Clerk

Approved:



JESSICA FLOYD, Mayor

Roll Call Final Adoption

Council Member	Ayes	Nays	Abstain	Absent
Councilwoman Carter				✓
Councilman Fleming	✓			
Councilman Johnson	✓			
Councilman McIlvaine	✓			
Councilwoman Miller	✓			
Councilwoman O'Connor	✓			
Councilman Swanson	✓			
Councilwoman Tierney				✓
Council President Parker	✓			
Mayor Floyd				

CERTIFICATION

I, Daneen D. Fuss hereby certify that the foregoing Ordinance was adopted by the City Council, of the City of Woodbury, in the County of Gloucester and State of New Jersey at a meeting held on September 25, 2018 at the Municipal Building, 33 Delaware Street, Woodbury, New Jersey 08096.



Daneen D. Fuss
City Clerk

Date introduced: _____
Date advertised: _____
Date adopted: _____

CHAPTER 89. FIRE PREVENTION

ARTICLE II. OPEN BURNING

§89-20. Definitions.

Approved Containers

Noncombustible containers approved by the Fire Marshal for use in burning open fires or outdoor fires, which include but may not be limited to chimeneas, outdoor fireplaces, fire pits, patio warmers or other portable wood burning devices used for outdoor recreation and/or heating and which meet the minimum standards set forth in this article.

Barbecue Pit- A meal or gathering which food is cooked outdoors on a rack over an open fire or on a special appliance.

Bonfire- An outdoor fire utilized for ceremonial purposes.

Fire Marshal

The legally designated Fire Marshal of the City of Woodbury or his or her designee.

Fire Wood- Wood that has been cut into pieces so that it can be burned on a fire.

Example: Oak, Maple, Cherry, Birch, Pine, Elm, Chestnut.

Open Burning

The kindling of a fire in the open air with or without containment or in outdoor structures that permit the products of combustion to be emitted directly into the ambient air space, excluding gas or charcoal grill barbecues.

Outdoor Structures

Outdoor fireplaces, fire pits, receptacles, chimeneas, or other devices that permit the products of combustion to be emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber and which do not provide effective control of the air pollutants generated.

Seasoned Dry Fire Wood

§89-21. Open burning prohibition and permitting.

- A. All Open Burning in the City of Woodbury is prohibited unless specifically excepted herein.
- B. All Open Burning except as set forth in §89-22A shall require a permit from the Fire Marshal.

§89-22. Exceptions.

- A. Open burning in approved containers shall be allowed without a permit at single-family homes, duplexes and townhomes, subject to the regulations contained herein. [All other locations shall require a permit from the Fire Marshal.]
- B. Bonfires are only permitted with the approval of the Fire Marshal, who may impose conditions on a permit at the Fire Marshal's discretion and are subject to the following additional regulations:
 - a. A bonfire shall not be conducted within 50 feet of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions that could cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.
 - b. A bonfire shall not be more than 5 feet by 5 feet by 5 feet in dimension and shall not burn longer than 3 hours. The maximum size and duration of a bonfire shall not be increased by the fire marshal unless it is determined that the fire safety requirements of the situation and the desirable duration of burn warrant the increase.
 - c. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and fuel shall be chosen to minimize the generation of air contaminants.

§89-23. Compliance.

All open burning shall comply with the provisions provided in the International Fire Code, New Jersey Edition, 2015 307, Open Burning and Recreational Fires.

§89-24. Regulations applicable to all open burning.

All open burning is subject to the following requirements:

- A. All fires shall be contained in outdoor structures or Fire Marshal approved containment only.
- B. No open fire or outdoor fire shall be conducted within fifteen (15') feet of a structure, on any porch, deck, balcony or other portion of a building; within any room or space within a building; or under any building overhang; provided, however, that an open fire or outdoor fire may be conducted on a concrete or stone patio if all other provisions and proximity restrictions of this article are met.
- C. Fires shall be limited to a maximum three-foot diameter and two feet in height and must be contained in a noncombustible chimenea, outdoor fireplace, fire pit, or other method approved by the Fire Marshal.
- D. All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks and embers.
- E. Fires must be kept at least fifteen (15') feet from any structure, or other combustibles that may ignite and permit the spread of a fire (Example: shrubs, trees, fences) and in an approved container.
- F. Fires must be constantly attended until completely extinguished.
- G. The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than three (3") inches in diameter, untreated lumber, treated lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited. The use of flammable liquids is strictly prohibited.
- H. In addition to the provisions of this Ordinance, portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions.
- I. The Fire Marshal, police officer, or any Fire Department officer may order an outdoor burning activity to cease if conditions are such or the activity is so situated as to endanger the health or safety of persons or property located in the general area of the activity or is offensive or objectionable such as but not limited to smoke entering a neighboring residence. If the party responsible for outdoor burning activity does not immediately comply with an order to cease given pursuant to this subsection, the Fire Marshal, his designee or the Fire Department may extinguish the fire and the party responsible shall be subject to the penalties set forth below. Any open fire or use of a chimenea, outdoor fireplace, or fire pit which creates a nuisance or is deemed to be a hazard is to be extinguished.
- J. Outdoor burning is prohibited when the wind speed exceeds 10 miles per hour.
- K. While outdoor burning is being conducted, it shall be attended by a person of at least 18 years of age at all times.
- L. Adequate fire-suppression equipment such as shovels, fire extinguishers rated at 4A or larger, water hoses, or like equipment sufficient to extinguish the fire shall be present on the property at all times outdoor burning is conducted.
- M. Only fireplace matches, or a propane lighter may be used to start an open burn fire. It is recommended that a fire last no longer than three (3) hours.
- N. When finished, all hot coals shall be extinguished with a water hose or bucket of water and be left alone at least 24 hours.
- O. Hot coals and ash shall not be bagged or disposed of in a garbage container until they are thoroughly extinguished.

P. For all types of open burning except fireplaces inside single family dwellings, open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

Q. Whenever the fire department requires the extinguishment of any open burning, there is no appeal process and failure to extinguish the fire as ordered may result in arrest and/or severe monetary penalties.

R. No person shall cause an open fire or outdoor fire to be used or maintained in such a manner as to create a hazard or cause a nuisance to neighbors.

§89.25. Violations and penalties.

Any person violating the provisions of this article shall be subject to a penalty as follows:

A. First offense: a written warning.

B. Second offense: up to a \$500.00 fine.

C. Third and subsequent offenses: A fine not to exceed \$1,000, imprisonment for not more than 90 days and/or a period of community service not to exceed 90 days. Each day on which a violation occurs shall be considered a separate offense.