

**AN ORDINANCE OF THE TOWNSHIP COUNCIL
OF THE TOWNSHIP OF DEPTFORD REGULATING
OUTDOOR AND OPEN BURNING**

BE IT ORDAINED by the Mayor and Council of the Township of Deptford as follows:

I. Purpose.

The Mayor and Council of Deptford Township find that outdoor and open burning may pose a serious hazard to the public health, safety, general welfare and the quality of life of the residents of Deptford Township. The public has a right to and should be ensured of an environment free from noxious fumes and the threat of fire. It is the policy of Deptford Township to prevent the danger of fire from open burning which is a detriment to the public health, comfort, safety, welfare and quality of life.

II. Applicability.

This article applies to all outdoor burning and open burning within Deptford Township.

- A. This article shall not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This article does not apply to burning for the purpose of generating heat in a stove, furnace, fireplace or other heating device within a building used for human or animal habitation.
- C. This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

III. Definitions.

As used in this chapter, the following terms shall have the meanings as indicated:

CLEAN WOOD – natural wood which has not been painted, varnished or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as plywood or other composite wood products.

CONSTRUCTION AND DEMOLITION WASTE – building waste materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on a house, commercial or industrial building, or other structure.

FIRE MARSHALL – the Fire Marshall supervises the Bureau of Fire Prevention which is responsible for the enforcement of the New Jersey Uniform Fire Code and local laws in all commercial, industrial and multiple occupancy dwellings within Deptford Township. The Bureau is also responsible for all Fire Prevention Education and the investigation of all reported fires and explosions that occur within the Township.

MUNICIPALITY – The Township of Deptford.

NUISANCE - any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

OPEN BURNING – kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney. This includes burning in a burn barrel.

OUTDOOR BURNING – open burning in an outdoor wood-fired boiler or patio wood burning unit.

OUTDOOR FIRE PIT – any pit that permits the products of combustion to be emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

OUTDOOR WOOD or GAS FIRED BOILER – a wood or gas fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

WOOD or GAS BURNING UNIT – a chimney, patio warmer, outdoor fireplace, or other portable wood or gas burning device used for outdoor recreation and/or heating.

REFUSE – any waste material, except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

IV. General prohibitions.

Open burning and outdoor burning are prohibited in Deptford Township unless the burning is specifically allowed in this chapter.

V. Open burning of refuse.

Open burning of construction and demolition waste and refuse is prohibited.

VI. Burning trees, brush, stumps, leaves and grass clippings.

Open burning of trees, brush, stumps, leaves and grass clippings is prohibited.

VII. Outdoor wood or gas fired boilers.

No person shall install, use, or maintain an outdoor wood or gas fired boiler in Deptford Township unless approved by Department of Community Development.

VIII. Wood or gas burning units.

A wood or gas burning unit for recreational purposes must be either contained in a manufactured device designed for such purpose and utilized strictly in accordance with the manufacturer's requirements or, alternately, in a proper noncombustible stone, cement, brick, tile or metal fire pit/fireplace, built and intended for such purpose.

Following the passage of this chapter, no new fire units may be constructed or installed without the proper permits and inspections.

For all existing fire units within the Township, should the Fire Marshall or his designee determine that a fire unit is unsafe, he/she may order that the fire unit not be used until he/she deems it safe. New units may be installed and used in Deptford Township only in accordance with the following provisions:

- A. The wood or gas burning unit shall not be used to burn refuse, yard waste, green wood, leaves or soft wood, such as pine and cedar which cause excessive smoke.
- B. The wood or gas burning unit shall burn only clean dry wood.
- C. Fires shall be limited to a maximum 48 inch diameter and 24 inch height. Should prevailing winds cause the smoke to blow into a neighboring dwelling or property the fire must be extinguished immediately.
- D. The wood or gas burning unit shall be located at least 15 feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- E. The wood or gas burning unit and its by-products shall not cause a nuisance to neighbors.
- F. The wood or gas burning unit must have an approved container with an ember-suppressing lid. Stone/block fire pits and fireplaces must have a lid or screen.
- G. The use of flammable liquids and accelerants is prohibited.
- H. Trees, brush, grass, leaves or other material is prohibited.
- I. Fires must be attended at all times by a competent adult owner or legal resident of the property from the time the fire commences through the time the fire is completely extinguished.
- J. All open fires shall be extinguished no later than 12:00 a.m., midnight.
- K. There must be a working garden hose stretched to the unit or a proper fire extinguisher within 10 feet.

IX. Liability.

A person utilizing or maintaining an outdoor fire shall be responsible for all fire-suppression costs and any liability resulting from damage caused by the fire.

X. Right of entry and inspection.

The Fire Marshall or any authorized officer, agent, employee or representative of Deptford Township who presents credentials may inspect any property for the purpose of ascertaining compliance with the provision of this chapter.

XI. Enforcement, violations and penalties.

- A. The Fire Marshall, his/her designee and Deptford Township are authorized to enforce the provisions of this article.
- B. Any person, firm, association, partnership, corporation, or governmental entity who or which

violates any of the provisions of this chapter or fails to comply with a duly authorized order issued pursuant to this chapter shall be deemed to be responsible which shall be punishable by fine of \$100.

- C. The violator shall pay costs, which may include all expenses, direct and indirect, which Deptford Township has incurred in connection with the violation. In no case, however, shall costs of less than \$100 be ordered. In addition, Deptford Township shall have the right to proceed in any court of competent jurisdiction for the purpose of obtaining an injunction, restraining order, or other appropriate remedy to compel compliance with this chapter. Each day that a violation of this chapter exists shall constitute a separate violation.

All Ordinances and/or parts of Ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect upon final passage, approval and publication as provided by law.



TOWNSHIP OF DEPTFORD

Paul Medany
PAUL MEDANY, MAYOR

ATTEST:

Dina L. Zawadski
DINA L. ZAWADSKI, TOWNSHIP CLERK

CERTIFICATION

The foregoing Ordinance was introduced at a Work Session Meeting of Township Council of the Township of Deptford held on the 22nd day of July, 2013 and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 5th day of August, 2013 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

Dina L. Zawadski
DINA L. ZAWADSKI, TOWNSHIP CLERK