

ORDINANCE #2014-1143

BOROUGH OF MANVILLE
BUREAU OF FIRE SAFETY ORDINANCE

**AN ORDINANCE AMENDING ORDINANCE #2013-1135 TO UPDATE SECTION 23, OPEN
BURNING/OPEN FIRES**

Ordinance #2013-1135 is hereby amended as follows:

Section 23. OPEN BURNING/OPEN FIRES

General: A person shall not cause or allow open burning unless approved in accordance with this code

Definitions: For the purpose of this section, the following definitions shall apply:

Chiminea, outdoor fireplace shall mean as defined by the manufacturers, approved containers for open burning.

Firewood shall mean trunks and branches of trees, shall not include leaves, needles, and vines or brush.

Nuisance shall mean any odor, emission, or event that prevents the reasonable use and enjoyment of one's property.

Open burning shall mean the burning of any materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

Recreational Fire: An outdoor fire utilized to cook food for human consumption.

Treated lumber shall mean dry wood which had been milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

Untreated lumber shall mean dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

Open Burning Regulations:

(a) Allowable burning: Open burning in approved containers shall be allowed with prior notification and approval of the Borough Fire Marshal for recreational fires and similar occupational needs.

(b) Fires shall be limited to a maximum three (3) foot diameter and two (2) foot height, and must be contained in a noncombustible chiminea, outdoor fireplace, approved by the Borough Fire Marshal.

(c) All openings in the container or must be covered with wire mesh or other screening materials that will prevent the passage of sparks or embers.

(d) Fires must be kept at least ten (10) feet from any structure or combustible exterior wall, and shall not be used within any building or dwelling unit, or on any combustible porch, balcony or any other combustible portion of a building. They shall not be placed under any building overhang and shall be placed at least 10 feet from any combustible landscaping or ground covering.

(e) Fires must be constantly attended, and a fire extinguisher or water hose shall be placed in the area of open burning, which includes fire in containers.

(f) No such fire or container used for open burning may be used on any porch, deck, balcony or any other portion of a building; within any room or space; under any building overhang.

(g) Outdoor Fire pits 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 is prohibited.

(h) Agricultural burning of herbaceous or infected plant life, the burning of orchard pruning and cutting, prescribed burnings and clearing of agricultural land by burning are prohibited.

(i) Yard waste, leaves, brush, vines, evergreen needles, branches smaller than three (3) inches in diameter, treated lumber, garbage, paper products, furniture, building material or anything other than firewood as set forth herein is prohibited.

(j) All open fires, as set forth herein shall be extinguished no later than 12:00 a.m., which includes chiminea and outdoor fireplaces.

(k) The Fire Marshal shall order any open fire, or use of a chiminea, outdoor fireplaces or fire pit which creates a nuisance, to be extinguished immediately.

1. Failure to comply with the Fire Marshal's orders to extinguish fire, summon will be issued in the amount of \$100.00 dollars and appearance in Municipal Court will be required. Extinguishment will be completed by the Municipal Fire Department.

(l). Portable outdoor fireplace shall not be used:

- 1) Within any building or dwelling unit.
- 2) On any combustible porch, balcony or any other combustible portion of a building.
- 3) Within 10 feet of any combustible exterior wall;
- 4) Within 10 feet of vertically or horizontally, of an opening in any wall;
- 5) Under any building overhang;
- 6) Within 10 feet of any combustible landscaping or ground covering.

(m) Permits required:

1) State Forest Fire Service in the New Jersey Department of environmental protection N.J.A.C. 7:27-2.

2) Type 5 permit issued by the Borough Fire Marshal

(n) Liability: A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

(o) Right of Entry and Inspection: The Fire Marshal or any authorized officer, agent, employee or representative of the Borough of Manville who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

SEVERABILITY

Should any section, clause, sentence, phase or provision of this Ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

EFFECTIVE DATE

This ordinance shall take effect immediately upon final passage as required by law.

Borough of Manville,

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

ORDINANCE #2014-1143

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ASHER	√			
		GREGOR	√			
		KOMOROSKI	√			
		ONDERKO	√			
	√	SKIRKANISH	√			
		SZABO	√			
		MAYOR CORRADINO				

ADOPTED this 27th day of May, 2014.

Philip E. Petrone

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
√		ASHER	√			
		GREGOR	√			
	√	KOMOROSKI	√			
		ONDERKO				√
		SKIRKANISH	√			
		SZABO	√			
		MAYOR CORRADINO				

ADOPTED this 9th day of June, 2014.

Philip E. Petrone

Attest:

Philip E. Petrone, Borough Clerk