

**BOROUGH OF FRANKLIN LAKES
ORDINANCE NO. 1908**

**AN ORDINANCE SUPPLEMENTING CHAPTER 259
“FIRE PREVENTION” OF THE CODE OF THE BOROUGH
OF FRANKLIN LAKES TO REGULATE OUTDOOR FIRES**

BE IT ORDAINED by the Mayor and Council of the Borough of Franklin Lakes, in the County of Bergen and State of New Jersey as follows:

Section 1. Chapter 259 “Fire Prevention” of the Code of the Borough of Franklin Lakes is hereby supplemented by the addition of the following:

Article VI Outdoor Fires

§259-39 Definitions.

For the purpose of this article, the following definitions shall apply:

APPROVED CONTAINERS

Shall consist of portable outdoor fireplaces, fire tables, chimineas and patio fireplaces used in accordance with manufacturer's instructions.

APPROVED MATERIALS

Seasoned firewood, kindling wood, manufactured fire logs and fire starting materials.

FIRE PIT

A permanently constructed solid fuel-burning device constructed of steel, concrete or other noncombustible material having an open design with a fire area no more than four feet in diameter and four feet in depth.

FIREPLACE

A permanently constructed solid fuel-burning fireplace construction of steel, concrete or other noncombustible material with a hearth opening and chimney.

FIREWOOD

Trunks and branches or trees and bushes, but does not include leaves, needles, vines or brush smaller than two inches in diameter.

NUISANCE

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

OUTDOOR FIRE

Any fire outside of any structure where seasoned wood is burned for pleasure, warmth or similar purpose by the resident in an approved container.

TREATED LUMBER

Dry wood which has milled and dried and has been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

UNTREATED LUMBER

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

§259-40 Regulations.

- A. For outdoor fires at one- and two-family dwellings, fires shall be maintained in approved containers, fireplaces and fire pits and shall be allowed without a permit provided the regulations contained herein are followed. Outdoor fires at all properties other than one- and two-family dwellings shall be subject to regulations of the NJ Uniform Fire Code.
- B. Outdoor fires shall be limited to a maximum of four feet in diameter and four feet in depth, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other method approved by the Fire Marshal or his designated inspector.
- C. All openings in the approved container must be covered with screening materials that will prevent the passage of sparks or embers.
- D. Outdoor fires must be maintained in the rear yard at least 15 feet from any structure, fence, combustible vegetation and property line.
- E. Outdoor fires must be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel or garden hose shall be available for immediate utilization.
- F. No such fire or container used for an outdoor fire may be used on any porch, deck, balcony or any other portion of a building; within any room or space; or under any building overhang.
- G. The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than two inches in diameter, treated or untreated lumber, garbage, debris, paper products, rubbish or anything other than seasoned firewood or fire logs as set forth herein is prohibited.
- H. All outdoor fires as set forth herein shall be prohibited between 1:00 a.m. and 8:00 a.m.
- I. Outdoor fires that are offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.
- J. Outdoor fires are prohibited when weather conditions prohibit safe operations, including times when the National Weather Service has issued a red flag warning or drought conditions exist.

K. The Fire Marshal or his designee, Fire Chief or designee, police officer, property maintenance official or health officer may order any outdoor fire which creates a nuisance or does not comply with the aforementioned requirements to be extinguished.

§259-39 Enforcement; violations and penalties.

A. This article shall be enforced by the Franklin Lakes Fire Prevention Bureau or the Franklin Lakes Police Department.

B. Any person, upon conviction of a violation of any provision of this article shall be subject to a fine of not less than \$500 and not more than \$2,000.

Section 2. Repealer.

All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflicts.

Section 3. Severability.

If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance. The governing body of the Borough of Franklin Lakes declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 4. Effective Date.

This ordinance shall take effect immediately upon passage and publication according to law.

APPROVED: _____
Charles J. X. Kahwaty, Mayor

ATTEST: _____
Gail M. Rulli, Borough Clerk

Introduced: 04-18-2023

Adopted: 05-16-2023