

**BOROUGH OF PENNS GROVE  
COUNTY OF SALEM  
MAYOR AND COUNCIL**

**ORDINANCE NO. 2020-13**

**AN ORDINANCE AMENDING CHAPTER 247 OF THE CODE OF THE BOROUGH OF PENNS GROVE**

Chapter 247 – Fire Prevention

**Article II - Bonfires and Fire Pits.**

**§ 247-9            Applicability.**

This ordinance applies to all outdoor burning and open burning within the Borough of Penns Grove.

- A. This ordinance does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- B. This ordinance 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 ordinance does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**§ 247-10            Definitions.**

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

- A. Bonfire - An outdoor fire utilized for ceremonial purposes.
- B. Campfire - A small outdoor fire intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse.
- C. 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 in plywood or other composite wood products.
- D. 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.
- E. Fire Chief - The Fire Chief of the Borough of Penns Grove or other person designated by the Fire Chief.
- F. Municipality - The Borough of Penns Grove.
- G. 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.
- H. Outdoor Burning - Open burning or burning in an outdoor wood-fired boiler or patio wood-burning unit.
- I. Outdoor Wood-Fired Boiler - A wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

- J. Patio Wood-Burning Unit - A chiminea, patio warmer, outdoor fireplace or other portable wood-burning device used for outdoor recreation and/or heating.
- K. Recreational Fire - An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.
- L. Refuse - Any waste material, except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

**§ 247-11          General prohibition.**

Open burning and outdoor burning are prohibited in the Borough of Penns Grove unless the burning is specifically permitted by this ordinance.

**§ 247-12          Open burning of refuse.**

Open burning of refuse is prohibited.

**§ 247-13          Burning trees, logs, brush, stumps, leaves, and grass clippings.**

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

**§ 247-14          Outdoor wood-fired boilers.**

No person shall install, use, or maintain an outdoor wood-fired boiler in the Borough of Penns Grove, unless approved by permit through the Construction Code Official.

**§ 247-15          Patio wood-burning units.**

A patio wood-burning unit may be installed and used in the Borough of Penns Grove only in accordance with all of the following provisions:

- A. A permit must be obtained through the Fire Chief.
- B. The patio wood-burning unit shall not be used to burn refuse.
- C. The patio wood-burning unit shall burn only clean dry wood.
- D. The patio wood-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. The unit shall not be located less than five feet from combustible structures on the same property or on any decks, porches or balconies.
- E. The patio wood-burning unit and its by-products shall not cause a nuisance to neighbors.
- F. Must be in an approved container with an ember-suppressing lid. (Stone/block fire pits 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. Must have working garden hose stretched to fireplace or proper fire extinguisher within 10 feet.

**§ 247-16 Bonfires and Recreational Fires.**

In accordance with *N.J. Uniform Fire Code 307.4.1*, the following requirements must be followed in order to obtain a permit for a bonfire from the Fire Chief under § [--]-[-]-9:

- A. **Bonfires.** A bonfire shall not be conducted within 50 feet (15 240 mm) of a structure or combustible material unless the fire is contained in a barbecue pit. Conditions which could cause a fire to spread within 50 feet (15 240 mm) of a structure shall be eliminated prior to ignition.
- B. **Bonfire size and duration.** A bonfire shall not be more than 5 feet (1524 mm) by 5 feet (1524 mm) by 5 feet (1524 mm) 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 official unless it is determined that fire safety requirements of the situation and the desirable duration of burn warrant the increase.
- C. **Material.** 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 the fuel shall be chosen to minimize the generation of air contaminants.
- D. **Recreational fires.** Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition. Fires in approved containers shall be permitted, provided that such fires are not less than 15 feet (4572 mm) from any structure.
- E. **Attendance.** Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

**§ 247-17 Permit.**

A permit must be obtained through the Borough Fire Chief's office. There will be a fee of \$15.00 for the permit, and it will be valid to the person or agency to which it is issued for the length that that person or agency occupies the property. This permit must be on hand, and available for inspection, anytime that the patio wood-burning unit is in use.

**§ 247-18 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.

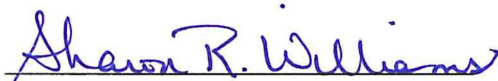
**§ 247-19 Right of entry and inspection.**

The Fire Chief or any authorized officer, agent, employee or representative of the Borough of Penns Grove who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this ordinance.

**§ 247-20 Enforcement; violations and penalties.**

- A. The Fire Chief, his/her designee and the Borough of Penns Grove are authorized to enforce the provisions of this ordinance.
- B. The Fire Chief, at any time and with just cause, has the right to revoke a permit.
- C. Any person, firm, association, partnership, corporation, or governmental entity who or which violates any of the provisions of this ordinance or fails to comply with a duly authorized order issued pursuant to this ordinance shall be deemed to be responsible for a municipal civil infraction which shall be punishable by a civil fine of no less than \$50 and no more than \$100.
- D. The violator shall pay costs, which may include all expenses, direct and indirect, which the Borough of Penns Grove has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$50 or more than \$100 be ordered. In addition, the Borough of Penns Grove 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 ordinance. Each day that a violation of this ordinance exists shall constitute a separate violation of this ordinance.

Attest:

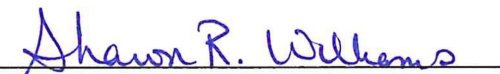
  
 Sharon R. Williams, Municipal Clerk

  
 LaDaena D. Thomas, Mayor

Intro:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Bercute			X			
Mincey			X			
Oliver	X		X			
Pasquale			X			
Scott		X	X			

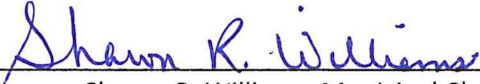
**Notice:** The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on August 5, 2020 and will be considered for final passage at a meeting to be held by the Mayor and Council at Borough Hall, Broad Street and State Street, Penns Grove, New Jersey at 6:30 p.m. on October 6, 2020 at which time any interested person will be given an opportunity to be heard.

  
 Sharon R. Williams, Municipal Clerk

FINAL:

Council	MOVED	SECONDED	Y	N	ABSTAIN	ABSENT
Bercute			x			
Mincey	x		x			
Oliver		x	x			
Pasquale			x			
Scott			x			

**Notice:** The above ordinance was introduced and passed on the first reading at the meeting of the Mayor and Council of the Borough of Penns Grove in the County of Salem held on August 5, 2020 and was adopted, after a public hearing was held by the Mayor and Council at Borough Hall, 1 State Street, Penns Grove, New Jersey at 6:30 p.m. on October 6, 2020.

  
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Sharon R. Williams, Municipal Clerk