

## Chapter 116 OPEN BURNING

### § 116-1. Recreational fires.

**[HISTORY: Adopted by the Township Committee of the Township of West Deptford 4-3-14 as Ord. No. 2014-06. Amendments noted where applicable.]**

### § 116-1. Recreational fires.

#### A. Legislative findings; policy; applicability.

The Township Committee of the Township of West Deptford finds that recreational fires and burning of combustible materials in a residential setting may pose a serious hazard to the public health, safety, general welfare and the quality of life of the residents of the Township of West Deptford. 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 the Township of West Deptford to prevent the danger of fire from open burning which is a detriment to the public health, comfort, safety, welfare and quality of life.

It is in the public interest that the provisions, prohibitions and controls hereinafter contained and enacted as a matter of legislative determination and public policy, be adopted for the purpose of securing and promoting the public health, comfort, safety, and general welfare and quality of life of the residents of the Township of West Deptford.

#### B. Definitions.

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

**CHIMINEA, OUTDOOR FIREPLACE, OUTDOOR FIRE PIT** — Means, as defined by the manufacturers, approved containers for open burning.

**FIREWOOD** — Trunks and branches of trees and bushes, but does not include leaves, needles, vines or brush smaller than two (2) inches in diameter.

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

**OPEN BURNING** — Any fire from which the products of combustion are emitted directly into the open air, and are not by design directed through a stack, chimney or other container designed for recreational fires.

**RECREATIONAL FIRE** — An outdoor fire where seasoned wood of approved dimensions is burned for entertainment.

**TREATED LUMBER** — Dry wood which has 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** — 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.

#### C. Recreational fire regulations.

- (1) Recreational fires in approved containers shall be allowed without a permit at one- and two-family owner occupied homes, duplexes and townhomes, subject to the regulations contained herein.
- (2) Fires shall be limited to a maximum three (3) feet in diameter and two (2) feet in height, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other method approved by the Fire Official or his designee.
- (3) 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 or embers.

- (4) Fires must be kept in the rear yard at least fifteen (15) feet from any structure or combustible exterior wall.
- (5) Fires must be constantly attended until the fire is extinguished. A minimum of one (1) 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.
- (6) The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than two (2) inches in diameter, treated or untreated lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited, except that kindling may be used to start a fire.
- (7) All recreational fires as set forth herein shall be prohibited between the hours of 2:00 a.m. and 7:00 a.m.
- (8) The Fire Official or his designee, Police Officer, or Code Enforcement Officer may order any open fire, or use of a chiminea, outdoor fireplace or fire pit which creates a nuisance, to be extinguished.

D. Enforcement.

- (1) This chapter shall be administered by the Bureau of Fire Prevention, the Police Department, and the Code Enforcement Department.
- (2) Any person, firm or corporation, violating any of the provisions of this chapter shall be liable to a fine not exceeding the sum of one thousand dollars (\$1,000.).