

**CITY OF NORTHFIELD, NJ
ORDINANCE NO. 11-2022**

**AMENDING CHAPTER 117 OF THE CITY OF NORTHFIELD
MUNICIPAL CODE, ENTITLED OUTDOOR BURNING**

IT IS HEREBY RESOLVED THAT Chapter 117, Outdoor Burning, of the City of Northfield Municipal Code be and is hereby deleted in its entirety and replaced with the following:

Chapter 117-1. Outdoor Burning Prohibited

Except as set forth in this chapter, it shall be unlawful for any person or persons or corporation to burn brush, weeds, grass, leaves, wastepaper or other combustible material out of open doors in the City of Northfield at any time.

117-2 Fire pits, chimineas, or other similar devices authorized.

- A. Fire pits, chimineas, or other similar devices are authorized within the City of Northfield subject to the restrictions set forth in this chapter. For the purpose of this chapter, a fire pit shall be considered as any outdoor fireplace unit built after obtaining permits and approvals pursuant to the Uniform Construction Code; or
- B. Any equipment designed and used for outdoor fires and operated pursuant to manufacturer's instructions.

117-3 Limitation of size.

All such fire pits, chimineas, and similar devices as set forth above shall have a pit / firebox for burning of permitted combustible materials no larger than nine square feet in area and are required to have an approved screen or spark arrestor.

117-4 Location requirements.

- A. Fire pits, chimineas, and similar devices may only be used at residential properties containing two or fewer units and are prohibited from being used at any commercial establishment or for any commercial use or at any multifamily dwelling in excess of two units.
- B. Fire pits, chimineas, and similar devices shall be kept at ground level and must be placed upon a noncombustible surface such as brick or cement. No fire pits, chimineas, or similar devices shall be permitted on any type of elevated landing, surface, deck, stairway, roof or other elevated platform or portion of a structure. Notwithstanding the foregoing, fire pits, chimineas, and similar devices may be utilized on an elevated platform only in the event said platform is non-combustible.
- C. Fire pits, chimineas, and similar devices are prohibited from being used within 10 feet of any structure, including but not limited to homes, garages, sheds, showers or other such structures.
- D. Fire pits, chimineas, and similar devices are prohibited from being used within five feet of any other combustible surface, including but not limited to, bushes, fences, pools, plants, shrubs, houses used for feeding or sheltering animals or other combustible surfaces.
- E. Fire pits chimineas, and similar devices are prohibited from being used underneath any cave, overhang, roof, wires, tree limbs, vegetation, gutter, downspouts or decks.

- F. Fire pits, chimineas, and similar devices are not permitted in the front yard.

117-5 Unattended fire pits, chimineas, and similar devices prohibited.

Any fire pit, chiminea, or similar device must be constantly attended while in use and shall not be left unattended while any burning, smoldering or heat generation is taking place.

117-6 Hours.

No fire pit, chiminea, or similar device shall be used in the City of Northfield other than during the hours between 9:00 a.m. and midnight.

117-7 Certain burning prohibited.

No trash or other waste such as garbage, leaves, construction debris, rubbish, plastic materials, leather, furniture or petroleum-based materials may be used to fuel any fire in a fire pit or similar device within the City of Northfield. Only dry, seasoned firewood, prepackaged "Duraflame" type logs, natural gas, or propane may be used as fuel for any fire in a fire pit, chiminea or similar device within the City of Northfield. The same shall be lighted by the minimal amount of newspaper or wood kindling necessary. Under no condition shall a flammable or combustible liquid such as lighter fluid, kerosene, gasoline or other combustible liquid be used to start, fuel or otherwise enhance any fire in a fire pit in the City of Northfield.

117-8 Extinguishment required.

No person shall leave the contents of a fire pit, chiminea, or similar device burning or smoldering and proper extinguishment of the same is required. For the purpose of this chapter, proper extinguishment of the contents of a fire pit, chiminea, or similar device may be obtained by using a fire extinguisher with a minimum of a 4A rating or a garden hose with suitable water supply. The fire shall be properly and thoroughly extinguished and ashes are to be properly disposed no sooner than 48 hours after burning. Ashes may be stored in a metal can with a tightly fitted lid which is located at least five feet away from any building or other combustible surface or material.

117-9 Enforcement.

The Northfield Fire Department, Police Department and Code Enforcement Officer, or any of their designees or officers may enforce this chapter. Anyone authorized to enforce this chapter shall have the authority to immediately cause any person using a fire pit, chiminea, or similar device within the City of Northfield to extinguish the same and order that the same not be used for an appropriate duration of time if said enforcement official believes that the continued use of a fire pit, chiminea, fireplace, or other similar device may cause any of the following conditions:

- A. An increased risk of fire hazard due to wind or other atmospheric conditions.
- B. A nuisance to any neighbors due to flames, sparks or smoke emission from a fireplace, fire pit, chiminea or other device
- C. The use of any fire pit, chiminea or similar device in violation of this chapter.

117-10 Precedence of Uniform Fire Code.

This chapter shall not apply to any burning that requires a permit to be obtained pursuant to the New Jersey Uniform Fire Code. To the extent this chapter is in conflict with the New Jersey Uniform Fire Code or the Uniform Construction Code, said Code shall take precedence.

117-11 Violations and penalties.

- A. The following penalties shall be applicable for any violations of this chapter:
 - a. For a first offense: a violator shall be informed of the violation, and ordered to properly extinguish the fire contained in the fire pit, chiminea, or similar device. The violator shall be given a verbal warning and shall be subject to increased penalties for subsequent violations.
 - b. For second offense: for any offense which occurs within a twenty-four-month period of the first offense, a violator shall be subject to a fine of no less than \$100 and no more than \$2000 and/or be required to perform up to 90 days of community service in the discretion of the appropriate Judge.
 - c. For third or subsequent offense: for any offense which occurs within 24 months of a second offense, said violator shall be subject to a fine of no less than \$200 and no more \$2000, and/or community service not to exceed 90 days and/or imprisonment for a term not to exceed 90 days, all in the discretion of the appropriate Judge.
- B. A violation will be considered a subsequent offense if a previous offense has occurred at the same property address within 24 months of a previous offense even if a citation was issued to another individual at said address.

Effective Date. This Ordinance shall take effect according to law after final passage and publication.

Repealer. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Severability. If any Section or part of this Ordinance is deemed to be invalid or illegal in any Court of competent jurisdiction then said part is severable from the Ordinance as a whole and the remaining sections or parts of this Ordinance shall remain in full force and effect.

Mary Canesi, RMC, Municipal Clerk

Erland Chau, Mayor

The above Ordinance was introduced and passed on its first reading at a regular meeting of the Common Council of the City of Northfield, New Jersey held on November 29, 2022 and will be taken up for a second reading, public hearing and final passage at a meeting of said Council held December 13, 2022 in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING:	November 29, 2022
PUBLICATION:	December 3, 2022
SECOND READING:	December 13, 2022
PUBLICATION:	December 16, 2022