

BOROUGH OF ELMER
SALEM COUNTY, NEW JERSEY

ORDINANCE NO. 2014-3

Title: AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "FIRE PREVENTION"

Date of Introduction:	December 11, 2013
Anticipated Date of Adoption:	January 8, 2014
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ORDINANCE NO. 2014-3

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "FIRE PREVENTION"

WHEREAS, the Mayor and Council of the Borough of Elmer have determined that it is in the best interest of the Borough to establish a new Chapter of the Code of the Borough of Elmer entitled "Fire Prevention"; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Elmer, in the County of Salem and State of New Jersey, and it is hereby enacted and ordained by the authority of same as follows:

Section 1.

A new Chapter §____ entitled "Fire Prevention" shall be added to read as follows:

FIRE PREVENTION

§xx-1. Scope.

Persons and organizations wishing to conduct recreational, cooking or ceremonial fires within the Borough of Elmer.

§xx-2. Purpose.

To provide uniform direction and application of Ordinances, codes and law governing open burning activities.

§xx-3. General.

A person shall not cause or allow burning unless approved in accordance with this Chapter.

§xx-4.

A. Bonfires:

Permit required: A Type I Permit shall be obtained from the Bureau of Fire Prevention for a bonfire. An inspection for such bonfire must occur prior to the event.

Bonfire Permit Conditions:

i) Bonfires shall be no larger than three feet (3') by three feet (3') and three feet (3') in height, and consist of dry seasoned firewood ignited by kindling only.

ii) Burning of trash, rubbish, leaves and construction debris shall be prohibited.

iii) Flammable liquids or accelerants **SHALL NOT BE USED** to ignite said fires.

iv) Such fires shall be constantly attended by someone over the age of eighteen with the readily available means of extinguishment (fire extinguisher, garden hose).

v) The fire shall be extinguished completely before left unattended.

vi) No fire shall be burned or ignited when winds are in excess of 15 miles per hour (per National Weather

Service) or otherwise prohibited by degree from the New Jersey Division of Forestry.

vii) Bonfires shall not be located closer than twenty feet (20') from any building or structure and not within twenty feet (20') of a property line.

viii) The smoke from the bonfire shall not create a nuisance.

B. Chimineas, Outdoor Fireplaces, Fire Pits and Fire Rings:

By definition, these devices are not considered open burning. Permits are not required to use these devices. The same rules that regulate bonfires shall apply, and shall not exceed three feet (3') in length or circumference.

These devices should **NOT** be used:

(i) On a combustible deck or patio.

(ii) On balcony or breezeways of apartments of multi-family dwellings.

(iii) Shall have an enclosure, heavy screen or spark arrestor to control and contain embers and sparks.

(iv) Shall be used on a stable level surface

(v) If the fireplace is a propane unit, only propane shall be used.

(vi) Closer than fifteen feet (15') to any building or structure, and not within fifteen feet (15') of a property line.

(vii) Manufactured outdoor fireplaces and pits and rings shall operated in accordance with the manufacturers assembly, safety and operating instructions.

§xx-5. Enforcement.

In the event that the Fire Department or Police Department is called due to a violation in the above Ordinance, then the Fire Office or Police Officer shall determine whether to extinguish the fire for safety concerns and either Officer shall have the authority to issue a written citation for the Ordinance violation.

§xx-6. Violations and Penalties.

Any person, entity or corporation who or which violates any provision of this Article shall, upon conviction thereof, be punishable by one or more of the following:

(1) A fine of not less than \$25.00 nor more than \$2,000.00.

(2) A period of community service up to but not exceeding 30 days.

(3) Any combination of the above.

Each day that a violation exists, occurs or continues shall constitute a separate offense for the purpose of imposing the penalties referred to above.

Any person who is convicted of violating this Article within one year of the date of a previous violation of the same ordinance and who was fined for the previous violation, shall be sentenced by the Court to an additional fine as a repeat offender. The additional fine imposed by the Court upon a person for a repeated offense shall not be less than the minimum or exceed the maximum fine fixed for a violation of the ordinance, but shall be calculated separately from the fine imposed for the violation of the ordinance.

Section 2.

Severability.

Should any section, clause, sentence, phrase 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.

Section 3.

Repealer.

All prior Ordinances or parts of Ordinances inconsistent with this Ordinance be and the same are hereby repealed to the extent of such inconsistencies.

When effective.

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

ADOPTED: January 8, 2014

Approved by Mayor on
January 8, 2014

Beverly S. Richards, Clerk

Joseph P. Stemberger, Mayor

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	___	___	___	___	___	___
Davis	___	___	___	___	___	___
Nolan	___	___	___	___	___	___
Schalick	___	___	___	___	___	___
Williams	___	___	___	___	___	___
Zee	___	___	___	___	___	___

FIRST RESOLUTION

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that an Ordinance entitled **AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "FIRE PREVENTION"** be adopted on first reading, that hearing thereof be held on January 8, 2014, at 7:30 p.m., Borough Hall, Elmer, New Jersey, and that Notice of Final Hearing, be published in the Elmer Times, in accordance with law.

Adopted: December 11, 2013

Beverly S. Richards Clerk

Joseph P. Stemberger, Mayor

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	---	---	---	---	---	---
Davis	---	---	---	---	---	---
Nolan	---	---	---	---	---	---
Schalick	---	---	---	---	---	---
Williams	---	---	---	---	---	---
Zee	---	---	---	---	---	---

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing proposed Ordinance was introduced and passed by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, at its regular meeting held on Wednesday, December 11, 2013, and that a public hearing thereon will be conducted by the Mayor and Borough Council at its meeting on Wednesday, January 8, 2014, at 7:30 p.m., at the Borough Hall, Elmer, New Jersey, after which the Ordinance will be considered for adoption.

Beverly S. Richards Clerk
Borough of Elmer

FINAL RESOLUTION

WHEREAS, an Ordinance entitled AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "FIRE PREVENTION" was introduced and passed first reading on December 11, 2013; and

WHEREAS, public hearing has been held thereon,

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Elmer, County of Salem, and State of New Jersey, that an Ordinance entitled AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY CREATING A NEW CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "FIRE PREVENTION" be finally adopted and that notice of its adoption by title only be published in the Elmer Times in accordance with law.

Adopted: January 8, 2014

Beverly S. Richards Clerk

Joseph P. Stemberger., Mayor

ROLL CALL VOTE as follows:

	<u>MOTION</u>	<u>SECOND</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>
Schneider	---	---	---	---	---	---
Davis	---	---	---	---	---	---
Nolan	---	---	---	---	---	---
Schalick	---	---	---	---	---	---
Williams	---	---	---	---	---	---
Zee	---	---	---	---	---	---

NOTICE OF ADOPTION

OF

BOROUGH OF ELMER

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF ELMER, COUNTY OF SALEM, STATE OF NEW JERSEY CREATING A NEW
CHAPTER OF THE CODE OF THE BOROUGH OF ELMER ENTITLED "FIRE PREVENTION"**

The foregoing named Ordinance was duly adopted at a regular meeting of the Mayor and Borough Council of
the Borough of Elmer on January 8, 2014.

Beverly S. Richards Clerk
Borough of Elmer