ORDINANCE 2024-14

**AN ORDINANCE OF COLTS NECK TOWNSHIP,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
ESTABLISHIBG A NEW CHAPTER IN PART II: GENERAL LEGISLATION
ENTITLED "FIRE PREVENTION – OUTDOOR BURNING"
OF THE CODE OF THE TOWNSHIP OF COLTS NECK**

WHEREAS, N.J.S.A. Title 5 – Community Affairs, Chapter 70 – Uniform Fire Code does not regulate open outdoor burning in fire pits, chimineas, outdoor fireplaces and the alike associated with owner occupied residential properties; and

WHEREAS, The Colts Neck Township Committee finds it is in the best interest of the Township to prescribe regulations consistent with nationally recognized good practice for the safeguarding of life and property from the hazard of outdoor burning associated with residential uses; and

WHEREAS, the Township Code does not technically permit, nor appropriately regulate outdoor fires associated with residential recreational activities; and

WHEREAS, it is hereby declared to be in the best interest of the health, safety and welfare of the residents of Colts Neck to adopt regulations allowing outdoor fires associated with residential uses.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of Colts Neck, in the County of Monmouth, and the State of New Jersey as follows:

SECTION I That the Code of the Township of Colts Neck is hereby amended and supplemented to add a new Chapter in Part II – General Legislation entitled "Fire Prevention – Outdoor Burning" as follows;

Fire Prevention – Outdoor Burning

1 Outdoor burning, legislative findings – policy – applicability.

A. The Colts Neck Township Committee finds that open burning 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 Colts Neck residents. 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 Colts Neck to prevent the danger of fire from outdoor burning which is a detriment to the public health, comfort, safety, welfare, and quality of life

B. The necessity in the public interest for the provisions, prohibitions, and controls hereinafter contained and enacted is declared as a matter of legislative determination and public policy and are for the purpose of securing and promoting the public health, comfort, safety and general welfare and quality of life of the residents of Colts Neck.

2. Definitions.

For the purposes of this Chapter the following definitions shall apply:

"Fire pit," means a pit dug into the ground or encased in a noncombustible surrounding structure in which a fire is kept burning.

"Firewood," means trunks and branches of trees and brushes, but does not include leaves, needles, vines, brush smaller than three inches in diameter or yard waste.

"Manufactured chiminea, outdoor fireplace and outdoor fire pit," means approved containers for open burning as defined by the manufacturers.

"Nuisance, "means any order, emission, or event that prevents the reasonable use of one's property.

"Outdoor Burning," means an outdoor fire where wood or any other combustible materials are burned. Outdoor burning is allowed at a residential property or vacant lot without a permit, provided the regulations as set forth herein are met.

"Treated lumber," means 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," means 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.

3. Outdoor burning regulations.

A. Outdoor burning in approved containers (noncombustible manufactured chiminea, outdoor fireplace, outdoor fire pit or other proper noncombustible stone, cement, brick, tile or metal fire pit) shall be allowed without a permit at a residential property or vacant lot.

B. Fires shall be limited to a maximum three foot diameter and two feet in height, and must be contained in a noncombustible chiminea, outdoor fireplace, fire pit or other proper noncombustible stone, cement, brick, tile or metal fire pit materials approved by the Fire Official or Fire Chief.

C. Fires must be kept 10 feet from any structure or combustible exterior wall.

D. Fires must be kept 20 feet from a side or rear property line. No fires shall be permitted in a front yard.

E. Fires must be constantly attended.

F. A fully functioning fire extinguisher must be available for fire extinguishment purposes whenever any fire is ongoing. A garden hose connected to a reliable water supply or five gallon bucket of water can be used as an alternative to a fire extinguisher.

G. At any time and should prevailing winds cause the sustained smoke from said outdoor burning to blow into a neighboring dwelling or property, said fire must be extinguished immediately. The Fire Official, Fire Chief or Code Enforcement Officer or their designee are authorized to require that any residential outdoor fire be immediately extinguished, if in their opinion said fire constitutes a nuisance or hazardous condition.

H. Permitted fuel. Only firewood and untreated lumber are permitted to be burned. Burning of any other material, including, but not limited to garbage, rubber, plastics, glass, paper products and yard waste is prohibited.

I. All outdoor fires as set forth herein shall be extinguished no later than one a.m. or ignited prior to 6 a.m.

J Should the Fire Official, Fire Chief, Code Enforcement Officer or designee determine that a chiminea, outdoor fireplace, fire pit or other noncombustible stone, cement, brick, tile or metal fire pit is unsafe, said fire pit may be order not to be used until said pit is deemed safe.

K. The Fire Official, Fire Chief, Code Enforcement Officer or designee may order any outdoor fire which creates a nuisance to be extinguished.

L. Agricultural burning in accordance with a permit issued by the State Fire Service in the New Jersey Department of Environmental Protection are exempt from the provisions of this chapter.

4. Enforcement

A. This chapter shall be administered by the Fire Official, Fire Chief or Code Enforcement Officer.

B. 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 two hundred fifty dollars ($1,250).

SECTION II Severability. If any section, paragraph subsection, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and effective.

SECTION III Repealer. The remainder of all other sections and subsections of the aforementioned Ordinance not specifically amended by this ordinance shall remain in full force and effect.

SECTION IV Inconsistent ordinance. All ordinances or parts thereof inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistency.

SECTION V This ordinance shall take effect immediately upon passage, publication and filing according to law.

I hereby certify the Ordinance foregoing to be a true copy of an Ordinance introduced by the Township Committee of Colts Neck Township on the 24th day of April 2024. A public hearing will be held on May 8, 2024, 7:00 p.m. Town Hall, 1 Veterans Way.

Frank Rizzuto, Mayor

Trina Lindsey, Municipal Clerk

RECORD OF VOTE										
	First Reading					Second Reading				
	April 24, 2024					May 8, 2024				
	M	S	Yes	No	NV	Ab	M	S	Yes	No	NV	Ab
Mayor Rizzuto												
Deputy Mayor Buss												
Viola												
Bartolomeo												
Fitzpatrick												
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent												