

**ORDINANCE 2020:1496**

**ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE BOROUGH OF HADDON HEIGHTS, CHAPTER 233 ENTITLED FIRE PREVENTION**

**WHEREAS**, the Borough of Haddon Heights is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Haddon Heights desire to create an amendment to the Fire Prevention Ordinance to address Outdoor and Open Burning in accordance with the New Jersey Uniform Fire Code, N.J.A.C. 5:70-2.7 et seq.; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Haddon believes it to be in the best interest of the Borough's health, safety and welfare to enact said amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Haddon Heights, County of Camden, State of New Jersey, that Part II, Chapter 233 be amended and supplement to add the following provisions:

**Section 1: Part II, Chapter 233 is amended and supplemented as follows:**

**§ 233-12. Purpose.**

This article shall amend Chapter 233 of the Borough of Haddon Heights Fire Safety Regulations and is intended to promote the public health, safety and welfare and to safeguard the health, comfort, living conditions, safety and welfare of the citizens of the Borough of Haddon Heights by regulating the air pollution and fire hazards of open burning and outdoor burning.

**§ 233-12A. Applicability.**

This article applies to all outdoor burning and open burning within the Borough of Haddon Heights:

- (1). This article does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- (2). This article 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
- (3). This article does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating, construction or maintenance activities.

**§ 233-12B. Definitions.**

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

**Campfire** means a small outdoor fire intended for recreation or cooking, but not including a fire intended for disposal of waste wood or refuse.

**Clean wood** means 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.

**Construction and demolition waste** means 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.

**Covered Ember Arrester** (sometimes referred to as **spark arrester**) is any device which prevents the emission of flammable debris from combustion sources, such as wood burning stoves.

**Fire marshal** means the marshal of the Borough of Haddon Heights or other person designated by the fire marshal. Note: The term "fire marshal" is used throughout this article, municipalities may at their discretion, designate persons other than those associated with the fire department for many of the responsibilities in this article.

**Municipality** means a Borough of Haddon Heights.

**Open burning** means 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.

**Outdoor burning** means open burning or burning in an outdoor wood-fired boiler or patio wood burning unit.

**Outdoor wood-fired boiler** means a wood-fired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

**Patio wood-burning unit** means a chimenea, patio warmer, block fire pit, or other portable wood-burning device used for outdoor recreation and/or heating.

**Refuse** means any waste material except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

**Seasoned Wood** means wood that has been dried to remove as much moisture content as possible.

**Structure** means any residents, building, shed, garage, fence or the like.

**§ 233-12C. General prohibition.**

Open burning and outdoor burning are prohibited in the Borough of Haddon Heights unless the burning is specifically permitted by this article.

**§ 233-12D. Open burning of refuse.**

Open burning of refuse is prohibited.

**§ 233-12E. Burning trees, logs, brush, stumps, leaves, and grass clippings.**

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

**§ 233-12F. Outdoor wood-fired boilers.**

No person shall install, use, or maintain an outdoor wood-fired boiler in the Borough of Haddon Heights.

**§ 233-12G. - Patio wood-burning units.**

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

- (1) The patio wood-burning unit shall not be used to burn refuse.
- (2) The patio wood-burning unit shall burn only clean wood.
- (3) The patio wood-burning unit shall be located at least twenty-five (25) feet from the nearest structure which is not on the same property as the patio wood-burning unit.
- (4) The patio wood-burning unit shall be located at least fifteen (15) feet from any structure on the same property as the patio wood-burning unit.
- (5) The patio wood-burning unit shall not cause a nuisance to neighbors.
- (6) Only Seasoned Wood shall be utilized.
- (7) A Covered Ember Arrester shall be available for use at all times.

**§ 233-12H. 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.

**§ 233-12I. Right of entry and inspection.**

The fire marshal or any authorized officer, agent, employee or representative of the Borough of Haddon Heights who presents credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this article.

**§ 233-12J. Enforcement; violations and penalties.**

- (1) The fire marshal and the Borough of Haddon Heights are authorized to enforce the provisions of this article.
- (2) Any person, firm, association, partnership, corporation, or governmental entity who or which violates any of the provisions of this article or fails to comply with a duly authorized order issued pursuant to this article shall be deemed to be responsible for a municipal civil infraction which shall be punishable by civil fine of no less than fifty dollars (\$50.00) and no more than one hundred dollars (\$100.00).
- (3) The violator shall pay costs which may include all expenses, direct and indirect, which the Borough of Haddon Heights has incurred in connection with the municipal infraction. In no case, however shall costs of less than fifty dollars (\$50.00) nor more than one hundred dollars (\$100.00) be ordered. In addition, the Borough of Haddon Heights 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 article. Each day that a violation of this article exists shall constitute a separate violation of this article.

**§ 233-13. Repealed ordinances**

The following ordinances or portions thereof are hereby repealed: Ordinance Nos. 457, 649, 722 and 737.<sup>11</sup>

[1] *Editor's Note: These ordinances comprised former Ch. 58, Fire Prevention, of the 1975 Code.*

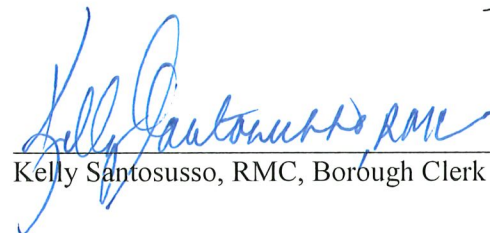
**Section 2:** All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 3:** If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

**Section 4:** This Ordinance shall take effect immediately upon final passage and publication as required by law.

Introduced: December 1, 2020  
Public Hearing: December 15, 2020  
Adopted: December 15, 2020

  
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Mayor Zachary Houck

ATTEST:   
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Kelly Santosusso, RMC, Borough Clerk