

**TOWNSHIP OF RARITAN
HUNTERDON COUNTY, NEW JERSEY**

ORDINANCE #18-3

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER 8.16 ENTITLED “FIRE CODE ENFORCEMENT” BY REPEALING AND REPLACING SECTION 8.16.090 ENTITLED “OPEN BURNING” WITH NEW SECTION 8.16.090 ENTITLED “OPEN BURNING AND RECREATIONAL FIRES.”

BE IT ORDAINED, by the Township Committee of the Township of Raritan, in the County of Hunterdon and State of New Jersey as follows:

Section 1. Section 8.16.090 “Open Burning” is hereby repealed and replaced with the following new Section 8.16.090 entitled “Open Burning and Recreational Fires”, as follows:

- A. Definitions. As used in Section 8.16.090 of the Revised General Ordinances of the Township of Raritan, the following terms shall have the following meanings:

“Bonfire” shall mean an outdoor fire utilized for ceremonial fires.

“Open Burning” shall mean the burning of materials wherein products of combustion emitted directly to the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purposes of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

“Recreational fire” shall mean an outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill, or barbeque pit and has a total fire area of three (3) feet or less in diameter and two (2) feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

- B. A person shall not cause or allow open burning unless in accordance with the New Jersey Uniform Fire Code (N.J.A.C. 5:70-1 *et seq.*) and Section 8.16.090 of the Revised General Ordinances of the Township of Raritan.
- C. Prohibited open burning. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

D. Allowable burning. Open burning shall be allowed without prior notification to the Fire Marshal for recreational fires, highway safety flares, smudge pots and similar occupational needs.

1. Except as set forth above, open burning shall be allowed after obtaining a permit from the Fire Marshal for such open burning. All permits shall be requested by and issued to the owner or agent of the land upon which the fire is to be started.

i. Applications. Applications for open burning shall be submitted in writing at least five (5) business days before the fire is set and shall be in such form and contain such information as required by the Fire Marshal. Such applications shall contain, as a minimum, information regarding the purpose of the proposed burning, the nature and quantities of materials to be burned, the date when such burning will take place, the location of the burning site and the on-site fire-extinguishing equipment to be provided.

ii. Agricultural burning. The burning of herbaceous or infested plant life, the burning of orchard pruning and cuttings, prescribed burnings and the clearing of agricultural land by burning are prohibited, unless in accordance with a permit issued under the provisions of N.J.A.C. 7:27-2, administered by the State Forest Fire Service in the New Jersey Department of Environmental Protection.

2. Waste Disposal. Open burning shall not be utilized for waste disposal purposes.

3. Extinguishment Authority. The Fire Marshal is authorized to order that the permit holder, another person responsible for the open burning or the fire department extinguish an open fire that creates or adds to a hazardous or objectionable situation.

4. Location. The location for open burning shall not be less than fifty (50) feet from any structure, and provisions shall be made to prevent the fire from spreading to within fifty (50) feet of any structure. Notwithstanding the foregoing, this subsection shall not prohibit: 1) fires in approved containers that are not less than fifteen (15) feet from a structure; and 2) the minimum required distance from a structure shall be twenty-five (25) feet where the pile size is three (3) feet or less in diameter and two (2) feet or less in height.

5. Bonfires. A bonfire shall not be conducted within fifty (50) feet of a structure or combustible materials. Conditions which could cause a fire to spread within fifty (50) feet of a structure shall be eliminated prior to ignition.

- i. Bonfire size and duration. A bonfire shall not be more than five (5) feet by five (5) feet by five (5) feet in dimension and shall not burn longer than three (3) hours. The maximum size and duration of a bonfire shall not be increased by the fire official unless it is determined that fire safety requirements of the situation and the desirable duration of a burn warrant the increase.
 - ii. Material. Fuel for a bonfire shall consist only of seasoned dry firewood and shall be ignited with a small quantity of paper. The fire shall not be utilized for waste disposal purposes, and the fuel shall be chosen to minimize the generation of air contaminants.
6. Recreational Fires. Recreational fires shall not be conducted within twenty-five (25) feet of a structure or combustible materials. Conditions which could cause a fire to spread within twenty-five (25) feet of a structure shall be eliminated prior to ignition. Fires in approved containers shall be permitted, provided that such fires are not less than fifteen (15) feet from any structure.
7. Attendance. Open burning, bonfires or recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 40A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

Section 2. If any section or provision of this Ordinance shall be held invalid in any court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof.

Section 3. The Ordinance shall take effect upon its adoption, passage and publication according to law.

Section 4. Within two weeks of adoption, the Raritan Township Municipal Clerk shall file a copy of this Ordinance with the New Jersey Division of Fire Safety in accordance with N.J.A.C. 5:71-2.7(a)(1).

DATE ADOPTED: February 6, 2018

Ordinance #18-3
page 4

ATTEST:



Lisa Fania, RMC
Township Clerk

**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**



Michael Mangin
Mayor