

ORDINANCE NO. 2012-05

AN ORDINANCE AMENDING AND SUPPLEMENTING  
CHAPTER 162 OF THE CODE OF THE BOROUGH OF BERLIN  
ENTITLED, "FIRE PREVENTION"

BE IT ORDAINED BY THE MAYOR AND GOVERNING BODY OF THE  
BOROUGH OF BERLIN, COUNTY OF CAMDEN, STATE OF NEW JERSEY, AS  
FOLLOWS:

**SECTION 1.** Chapter 162 of the Code of the Borough of Berlin is hereby  
amended and supplemented by the addition of a new Article III, entitled "Open  
Burning," as follows:

**§ 162-17. Definitions.**

Unless the context clearly indicates a different meaning, the following words or phrases,  
when used in this article, shall have the following meaning:

**APPROVED CONTAINERS:** Non-combustible containers approved by the Fire Marshal  
for use in burning open fires or outdoor fires, which include but may not be limited to  
chimeneas, outdoor fireplaces, fire pits, patio warmers or other portable wood-burning  
devices used for outdoor recreation and/or heating and which meet the minimum  
standards set forth in this Article.

**OPEN BURNING:** The kindling of a fire in the open air without containment or in  
outdoor structures that permit the products of combustion to be emitted directly into the  
ambient air space, excluding gas or charcoal grill barbecues.

**OUTDOOR STRUCTURES:** Outdoor fireplaces, fire pits, receptacles, chimeneas, or  
other devices that permits the products of combustion to be emitted directly into the  
ambient air without passing through a stack or chimney from an enclosed chamber, and  
which do not provide effective control of the air pollutants generated.

**FIRE MARSHAL:** The legally designated Fire Marshal of the Borough of Berlin, or his  
or her designated assistant.

**§ 162-18. Open Burning.**

Open burning in approved containers shall be allowed without a permit at single-family homes, duplexes and town homes, subject to the regulations contained herein. All other locations shall require a permit from the Fire Marshal. All open burning shall comply with the provisions provided in the International Fire Code, New Jersey Edition, 2006, Section 307, Open Burning and Recreational Fire.

**§ 162-19. Regulations.**

All open burning is subject to the following requirements:

- A. All fires shall be contained in an Approved Container only.
- B. No open fire or outdoor fire shall be conducted on any porch, deck, balcony or other portion of a building; within any room or space within a building; or under any building overhang; provided, however, that an open fire or outdoor fire may be conducted on a concrete or stone patio if and only if all other provisions of this Article are met.
- C. Fires shall be limited to a maximum 3-foot diameter and 2-feet in height, must be contained in a non-combustible chimenea, outdoor fireplace, fire pit, or other method approved by the Fire Marshal.
- D. All openings in the container or fire pit must be covered with wire mesh or other screening materials that will prevent the passage of sparks and ember.
- E. Fires must be kept at least 15-feet from any structure, combustible exterior wall, or other combustibles that may ignite and permit the spread of a fire. Example, shrubs, trees, fences, etc.
- F. Fires must be constantly attended until completely extinguished.
- G. The burning of yard waste, leaves, brush, vines, evergreen needles, branches smaller than 3-inches in diameter, untreated, lumber, garbage, paper products or anything other than firewood as set forth herein is prohibited. The use of flammable liquids is strictly prohibited.
- H. The Fire Marshal, police officer, or any Fire Department Officer may order an outdoor burning activity to cease if conditions are such or the activity is so situated as to endanger the health or safety of persons or property located in the general area of the activity. If the party responsible for outdoor burning activity does not immediately comply with an order to cease given pursuant to this subsection, the party responsible shall be subject to the penalties set forth below. Any open fire, or use of a chimenea, outdoor fireplace, or fire pit which creates a nuisance or is deemed to be a hazard is to be extinguished.

- I. Outdoor burning is not permitted when the wind speed exceeds 10-miles per hour.
- J. While outdoor burning is being conducted, it shall be attended by a person of at least 18 years of age at all times.
- K. Adequate fire suppression equipment such as shovels, fire extinguishers rated at 4A or larger, water hoses, or like equipment sufficient to extinguish the fire shall be present on the property at all times outdoor burning is conducted.
- L. No person shall cause an open fire or outdoor fire to be used or maintained in such a manner as to cause a nuisance to neighbors.

**§ 162-20. Violations and Penalties.**

Any person violating the provisions of this Article shall be subject to a penalty as follows:

- A. FIRST OFFENSE: A verbal warning.
- B. SECOND OFFENSE: A written notice of violation.
- C. THIRD AND SUBSEQUENT OFFENSES: A fine not to exceed \$2,000.00, imprisonment for not more than 90 days and/or a period of community service not to exceed 90 days. Each day on which a violation occurs shall be considered a separate offense.

**SECTION 2.** All ordinances or parts of ordinances which are inconsistent with the provisions hereof, are, to the extent of such inconsistencies, hereby repealed.

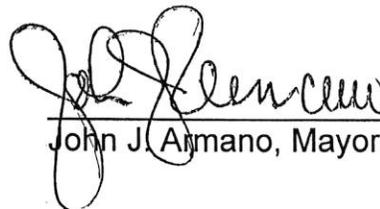
**SECTION 3.** This ordinance shall take effect upon final passage, adoption, and publication in the manner prescribed by law.

Attest:

BOROUGH OF BERLIN



Charleen Santora, Clerk



John J. Armano, Mayor

**INTRODUCED** 4-2-2012

**ADOPTED** 5/7/2012