

## **ORDINANCE 2019:16**

### **AN ORDINANCE OF THE BOROUGH OF STRATFORD, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING CHAPTER 8.56, ENTITLED "BOARD OF HEALTH REGULATIONS," OF THE CODE OF THE BOROUGH OF STRATFORD**

**WHEREAS**, Article 3, entitled "Smoke Control," of Chapter 8.56, entitled "Board of Health Regulations," of the Code of the Borough of Stratford adopts a code regulating the emission of smoke from fuel-burning equipment, internal-combustion engines, open fires, stacks or chimneys, and provides for the inspection of fuel-burning equipment, pursuant to the Public Health and Sanitation Codes Adoption by Reference Act; and

**WHEREAS**, upon recommendation of the Borough Fire Chief, Chapter 8.56 has been determined by the Mayor and Borough Council of the Borough of Stratford to be in need of revision and modification to include additional safety regulations pertaining to open burning within the Borough; and

**WHEREAS**, pursuant to N.J.S.A. 40:48-2 the Mayor and Borough Council may make, amend, repeal and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this state or of the United States, as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the Borough and its inhabitants; and

**WHEREAS**, the Mayor and Borough Council deem it in the best interest of public health, safety and welfare of the residents of the Borough to amend Article 3 of Chapter 8.56 to include the additional safety regulations recommended by the Borough Fire Chief pertaining to open burning within the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of Stratford that the Code of the Borough of Stratford is hereby amended, revised and/or supplemented as follows:

**SECTION 1.** Article 3, entitled "Smoke Control," of Chapter 8.56, entitled "Board of Health Regulations," of the Code of the Borough of Stratford is hereby amended, modified and/or supplemented to read as follows:

#### **"Article 3 - Smoke Control**

##### **8.56.090 - Acceptance of standards.**

A. A code regulating the emission of smoke from fuel-burning equipment, internal-combustion engines, open fires, stacks or chimneys, and providing for the inspection of fuel-burning equipment, is established pursuant to the Public Health and Sanitation Codes Adoption by Reference Act (L. 1950, Chapter 188). A copy of said code is annexed hereto and made a part hereof without the inclusion of the text thereof herein.

B. Stratford Borough hereby further adopts the following regulations concerning open burning within Borough limits as follows:

1. Definitions.

(a) "Open burning" the kindling of a fire in the open air without containment or in outdoor structures that permit products of combustion to be emitted directly into the ambient air space, excluding gas or charcoal grill barbecues.

(b) "Approved outdoor structures" noncombustible containers which include but may not be limited to outdoor fireplaces, fire pits, receptacles, chimeneas, patio warmers, portable woodburning devices or other devices which meet the minimum standards set forth in this article that permit 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 and are used for outdoor recreation and/or heating.

2. Regulations. Open burning shall be permitted in approved outdoor structures subject to the following requirements:

(a) Open burning shall be conducted 25 feet from dwelling (15 feet if in approved outdoor structure with spark arrestor);

(b) Open burning shall be conducted 25 feet from any structure, combustible exterior wall, or other combustibles that may ignite and permit the spread of a fire. Examples include but are not limited to shrubs, trees, fences, wood piles, leaf piles, etc. (15 feet if in approved outdoor structure with spark arrestor);

(c) While open burning is being conducted, it shall be attended by a competent person of at least 18 years of age at all times until fully extinguished;

(d) Any person conducting open burning shall have at least one (1) form of extinguishment or fire-suppression readily available;

(e) 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; and

(f) The Code Enforcement Officer or police 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 open burning 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.

**8.56.100 - Title.** [No Changes.]

**8.56.110 - Copies on file. [No Changes.]**

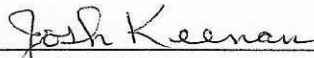
**8.56.120 - Violations and penalties. [No Changes.]”**

**SECTION 2.** Except as set forth in Section 1 above, the balance of the Code of the Borough of Stratford shall not be affected by this Ordinance.

**SECTION 3.** All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

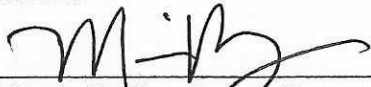
**SECTION 4.** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5.** This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law.

  
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Mayor Josh Keenan


**Adopted:**

ATTEST:

  
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Michaela Bosler, Acting Borough Clerk

### **PUBLIC NOTICE**

Notice is hereby given that the foregoing ordinance was introduced and passed on the first reading at a meeting of the Governing Body held on the 9<sup>th</sup> day of July, 2019 and will be considered for final passage on the 13<sup>th</sup> day of August, 2019 at a meeting to be held at the Stratford Justice Facility, 315 Union Avenue, Stratford, NJ.

  
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Michaela Bosler, Acting Borough Clerk