

TOWNSHIP OF MAPLE SHADE

Ordinance 2024-20

AN ORDINANCE TO AMEND CHAPTER 95 “FIRE PREVENTION” OF THE TOWNSHIP CODE TO ADD ARTICLE IV “OPEN AIR BURNING AND RECREATIONAL FIRES”

BE IT ORDAINED, by the Township Council of the Township of Maple Shade, County of Burlington, and State of New Jersey that Chapter 95 of the Township Code, entitled “Fire Prevention” be amended to add Article IV “Open Air Burning and Recreational Fires” as follows:

Section 1. Chapter 95 “Fire Prevention” is hereby amended to add the following:

ARTICLE IV. Open Burning and Recreational Fires

§95-35 Barbecues. No person shall operate, use or maintain any open fire or any device commonly known as a "barbecue" in or on any apartment unit, porch, balcony, patio or any other private area of an apartment or multiple family dwelling unit. The Fire Official may, upon application made, exempt any person from the provisions of this section, provided that the request is made in writing and the Fire Official certifies that the procedures are safe with regard to fire protection and fire prevention standards, which standards are incorporated in this Code.

§95-36 Applicability.

- A. This article applies to all outdoor burning and open burning within the Township of Maple Shade.
- B. This article does not apply to grilling or cooking food using charcoal, wood, propane or natural gas in cooking or grilling appliances.
- C. 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.
- D. 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.

§95-37 Definitions. As used in this article, the following terms shall have the meanings indicated:

CAMPFIRE

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

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CLEAN WOOD

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

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.

FIRE OFFICIAL

The Fire Official of the Township of Maple Shade or other person designated by the Fire Official.

MUNICIPALITY

The Township of Maple Shade

OPEN BURNING

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

Open burning or burning in an outdoor woodfired boiler or patio woodburning unit.

OUTDOOR WOODFIRED BOILER

A woodfired boiler, stove or furnace that is not located within a building intended for habitation by humans or domestic animals.

PATIO WOODBURNING UNIT

A chiminea, patio warmer, outdoor fireplace or other portable woodburning device used for outdoor recreation and/or heating.

REFUSE

Any waste material, except trees, logs, brush, stumps, leaves, grass clippings, and other vegetative matter.

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§95-38 General prohibition. Open burning and outdoor burning are prohibited in the Township of Maple Shade unless the burning is specifically permitted by this article.

- A. Open burning of refuse. Open burning of refuse is prohibited.
- B. Burning trees, logs, brush, stumps, leaves, and grass clippings. Open burning of trees, logs, brush, stumps, leaves, and grass clippings is prohibited.
- C. Outdoor woodfired boilers. No person shall install, use, or maintain an outdoor woodfired boiler in the Township of Maple Shade, unless approved by permit through the Construction Official.
- D. Patio woodburning units. A patio woodburning unit may be installed and used in the Township of Maple Shade in accordance with all of the following provisions:
 - 1) A permit must be obtained through the Fire Official.
 - 2) The patio woodburning unit shall not be used to burn refuse.
 - 3) The patio woodburning unit shall burn only clean, dry wood. Trees, brush, grass, leaves or other natural material is prohibited.
 - 4) The patio woodburning unit shall be located at least 15 feet from the nearest structure which is not on the same property as the patio woodburning unit. The unit shall not be located less than five feet from combustible structures on the same property or on any decks, porches or balconies.
 - 5) The patio woodburning unit and its byproducts shall not cause a nuisance to neighbors.
 - 6) It must be in an approved container with an ember suppressing lid. (Stone/block fire pits must have a lid or screen.)
 - 7) The use of flammable liquids and accelerants is prohibited.
 - 8) It must have a working garden hose stretched to the fireplace or an approved fire extinguisher within 10 feet.

§95-39 Permits.

- A. Residential permits. A permit must be obtained through the Township Fire Official. There will be no permit fee for residential properties, and it will be valid to the person issued for the length that the person occupies the property. This permit must be on hand, and available for inspection, anytime that the patio woodburning unit is in use.
- B. Commercial properties. A permit must be obtained through the Township Fire Official. The permit and fee will be annual and shall be paid in full prior to the inspection being issued. The permit and fee will be renewed during the annual fire registration and or inspection. The permit fee will be maintained in accordance with Type 1 permit fees established in the Code of the Township of Maple Shade, Fire safety permits.

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§95-40 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.

§95-41 Right of entry and inspection. The Fire Official or his/her designee may inspect any property for the purpose of ascertaining compliance with the provisions of this article.

§95-42 Enforcement; violations and penalties.

- 1) The Fire Official, his/her designee and the Township of Maple Shade are authorized to enforce the provisions of this article.
- 2) The Fire Official, at any time and with just cause, has the right to revoke a permit.
- 3) 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 \$50 and no more than \$100.
- 4) The violator shall pay costs, which may include all expenses, direct and indirect, which the Township of Maple Shade has incurred in connection with the municipal infraction. In no case, however, shall costs of less than \$50 or more than \$100 be ordered. In addition, the Township of Maple Shade 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.

Section 2. This Ordinance shall take effect upon final passage and publication according to law.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph,

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subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Introduction: November 7, 2024

Comments: none

COUNCIL	MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman		x	x			
Nunes			x			
Volpe	x		x			
Wiest			x			
Schmidt			x			

CERTIFICATION

I hereby certify the foregoing to be a true copy of an Ordinance adopted by the Maple Shade Township Council at a meeting held on December 12, 2024

Andrea T. McVeigh, RMC

Adopted: December 12, 2024

Comments: none

COUNCIL		MOTION	SECOND	AYES	NAYS	ABSTAIN	ABSENT
Kauffman			x	x			
Nunes				x			
Volpe		x		x			
Wiest				x			
Schmidt				x			