



**TOWNSHIP OF WINFIELD –ORD. # 442**  
**AN ORDINANCE CREATING A NEW CHAPTER OF THE CODE OF THE**  
**TOWNSHIP OF WINFIELD ENTITLED “OPEN AIR BURNING AND**  
**RECREATIONAL FIRES IN FIRE PITS**

**WHEREAS**, the Township Committee of the Township of Winfield have determined it is in the best interest of the Township to adopt an Ordinance regulating open air burning and recreation fires in fire pits;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Winfield, County of Union, State of New Jersey, as follows:

**SECTION 1. Policy:**

The Township Committee finds that open air burning and recreation fires in fire pits, in a residential setting, may pose a serious hazard to public health, safety, general welfare, and the quality of residents of the Township of Winfield. It is the policy of the Township of Winfield to prevent the danger of fire from open burning in fire pits which is a detriment to the public health, comfort, safety, welfare and quality of life.

**SECTION 2. Definitions.**

For the purpose of this section, the following definitions shall apply:

*Fire pit, outdoor fire pit, chiminea, fireplace* shall mean as defined by the manufacturers, approved containers for open burning with a screen or spark arrestor.

*Firewood* shall mean the trunks and branches of trees but shall not include leaves, needles, vines or bushes.

*Nuisance* shall mean any or, emission, or event that prevents the reasonable use and enjoyment of one's property.

*Open burning* shall mean an outdoor fire where wood or any combustible materials are burned for entertainment. Open burning is allowed at a residence provided the regulations set forth herein are complied with.

*Recreational fires* shall mean a fire outside where wood or any combustible materials are burned for entertainment or recreation. Open burning is allowed at a residence provided the regulations set forth herein are complied with.

*Untreated lumber, untreated wood* shall mean dry wood which has been milled and dried but which has not been treated or combined with any petroleum product, glue, chemical, preservative, adhesive, stain, paint or other substance.

**SECTION 3. Fire Pits authorized**

Fire pits or other similar devices are authorized within the Township of Winfield subject to the restrictions set forth herein.

**SECTION 4. Limitation of type and size.**

All such fire pits or other device as set forth above shall be no larger than three feet in diameter and two feet in height and are required to have an approved screen or spark arrestor and must be placed on a solid, nonflammable, noncombustible surface.

**SECTION 5. Location requirements.**

- a. All such fire pits may only be used on a resident's property.



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- b. All such fire pits must be kept at ground level and placed on a solid, nonflammable, noncombustible surface such as brick or cement. No such fire pit shall be permitted on any type of elevated platform, landing, surface, deck, stair, stair way or raised platform.
- c. All such fire pits are prohibited from being used within fifteen (15) feet of any structure, including but not limited to dwelling, shed, garage or other such structure.
- d. All such fire pits are prohibited from being used within five (5) feet of any other combustible surface or material including but not limited to hanging branches, fences, pools, plants, shrubs.
- e. All such fire pits are prohibited from being used on or underneath any deck, porch, balcony, or any other portion of a building such as overhang, canopy, screen house, wires, tree limbs, vegetation, gutter, downspouts or roof.
- f. All such fire pits must have a water source or fire extinguisher within reach of the fire pit.

**SECTION 6. Unattended fire pits prohibited.**

Any outdoor fire pit or other device must be constantly attended to while in use and shall not be left unattended while any burning, smoldering, smoke or heat generation is occurring.

**SECTION 7. Hours.**

No open burning in a fire pits shall be used in the Township of Winfield other than during the hours of 9:00 AM and 11:00 PM.

**SECTION 8. Certain burning prohibited.**

No trash or other waste such as garbage, leaves, construction debris, rubbish, plastic, leather, furniture, petroleum base materials may be used in any fire in any fire within the Township of Winfield. Only firewood, dry firewood or untreated lumber or prepacked “Duraflame” type logs may be used as fuel in any fire in a fire pit. The same shall be lit or ignited by a minimal amount of newspaper or wood kindling as necessary. Under no circumstances shall a flammable or combustible liquid or ignitor such as gasoline or kerosene or any other substance be used to start, add to or otherwise enhance a fire in a fire pit.

**SECTION 9. Extinguishment required.**

No person shall leave a fire pit either burning, smoldering, smoking or otherwise emanating heat; proper extinguishment is required. Proper extinguishment of the contents of the fire pit may be achieved using a fire extinguisher with a minimum rating of 4A or a garden hose with suitable water supply. The contents of the fire pit shall be properly and thoroughly extinguished and the ashes are to be properly disposed of no sooner than forty-eight (48) hours after burning. Disposed of ashes may be stored in a metal can with a tightly fitting lid which is located more than five feet away from any building, structure or other combustible surface or material.

**SECTION 10. Enforcement.**

- A. An officer of the Winfield Police Department or their designee or the Chief of the Winfield Volunteer Fire Department or his designee or the Fire Inspector may enforce this Ordinance. Anyone authorized to enforce this ordinance shall have the authority to immediately cause any person using a fire pit within the Township of Winfield to properly extinguish same and order that the fire pit shall not be used for an appropriate duration of time if said enforcement official believes the continues use of the fire pit may cause any of the following conditions:



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- (1) An increased risk of fire or a fire hazard due to wind or other atmospheric conditions;
- (2) A nuisance to neighbors or public safety due to flames, smoke, sparks, noise of emissions from a fire pit; or
- (3) The use of a fire pit in violation of this chapter.

B. Winfield Mutual Housing’s Buildings & Grounds Committee or their designee shall be responsible for inspecting areas where the fire pits are placed during both their Spring and Fall inspections and will report back to Winfield Mutual Housing or their designee if the fire pit violates this chapter. An individual who installs or obtains a fire pit after Winfield Mutual Housing Buildings & Grounds Committee or their designee completes either the Spring or Fall inspection must report it to Winfield Mutual Housing’s Buildings & Grounds Committee or their designee within ten (10) days of obtaining the fire pit so that an inspection can be completed. If during an inspection, Winfield Mutual Housing’s Buildings & Grounds Committee or their designee, determines that a fire pit is not in compliance with this chapter; the individual will be provided written notice of the noncompliance and the individual shall have ten (10) days from the receipt of the notice to comply.

**SECTION 11. Uniform Fire Code.**

This chapter shall not apply to any burning which requires a permit to be obtained pursuant to the New Jersey Uniform Fire Code. To the extent this chapter is in conflict with the New Jersey Uniform Fire Code or the Uniform Construction Code, said Code shall take precedence.

**SECTION 12. Penalties for offenses.**

- A. The following shall be the penalties for any violation of this chapter:
- (1) For a first offense: a violator shall be subject to a fine of no less than \$250 and an appearance in Municipal Court will be required.
  - (2) For a second offense within a twenty-four (24) month period of the first offense: a violator shall be subject to a fine of no less than \$500 and an appearance in Municipal Court will be required.
  - (3) For a third offense within a twenty-four (24) month period of the second offense: a violator shall be subject to a fine of no less than \$1,000; and possible surrender of the fire pit or removal of same; and an appearance in Municipal Court will be required.
- B. A violation will be considered a subsequent offense if a previous offense has occurred at the same property address within twenty-four (24) months of a previous offense even if a citation was issued to another individual at said property address.

**SECTION 13.** If any portion of this ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said ordinance.

**SECTION 14.** This ordinance shall take effect upon final passage and publication in accordance with law.



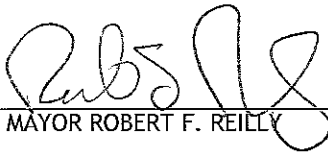
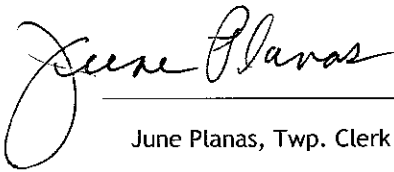
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**Introduced:**

**PUBLIC NOTICE**

The foregoing ordinance was introduced and approved on first reading at the regular meeting of the Winfield Township Committee held on June 3, 2019 and will be considered for public hearing and final adoption at the regular meeting of the Township Committee to be held on June 17, 2019 at 7:00 PM in the Municipal Building, 12 Gulfstream Avenue, Winfield, NJ.

**DATED:** June 3, 2019


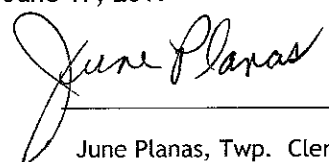
											I hereby certify that the above Ordinance was introduced by the Township Committee of the Township of Winfield at a meeting held on June 3, 2019
MAYOR ROBERT F. REILLY											
COMM. MARGARET M. McMANUS	✓		✓								
COMM. GARY J. GENZ		✓	✓								June Planas, Twp. Clerk

**Adopted:**

**PUBLIC NOTICE**

The foregoing ordinance was introduced and approved on first reading at a regular meeting of the Township Committee held June 3, 2019 and was approved for adoption on final reading at the regular meeting of the Township Committee held on June 17, 2019 7:00pm.

**DATED:** June 17, 2019

											I hereby certify that the above Ordinance was introduced by the Township Committee of the Township of Winfield at a meeting held on June 17, 2019
MAYOR ROBERT F. REILLY		✓	✓								
COMM. MARGARET M. McMANUS	✓		✓								
COMM. GARY J. GENZ						✓					June Planas, Twp. Clerk