

ORDINANCE NO. 16-2023
AN ORDINANCE OF THE BOROUGH OF SEA BRIGHT,
ADDING CHAPTER 107 FIRE PITS TO THE CODE OF THE
BOROUGH OF SEA BRIGHT

WHEREAS, the Borough Council of the Borough of Sea Bright (the "Borough") has determined that it is in the best interests of the Borough and its residents to provide regulations regarding the requirements and use of fire pits within the Borough and to provide penalties for violations thereof.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

SECTION ONE. Chapter 107 is hereby added to the Code of the Borough of Sea Bright to read, in full, as follows:

Chapter 107. Fire Pits

§ 107-1. Fire Pits Authorized; Definitions.

A. Fire pits or other similar devices are authorized within the Borough of Sea Bright subject to the restrictions set forth in this chapter. For the purpose of this chapter, a fire pit shall be considered as any outdoor fireplace unit built after obtaining permits and approvals pursuant to the Uniform Construction Code; or

B. Any equipment designed and used for outdoor fires and operated pursuant to manufacturer's instructions.

C. For the purpose of this chapter, gas or propane operated fire pits are excluded.

§ 107-2. Limitation of Size.

All such fireplaces or fire pits 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.

§ 107-3. Location Requirements.

A. Such fireplaces or fire pits may only be used at residential properties containing two or fewer units and are prohibited from being used at any commercial establishment or for any commercial use or at any multifamily dwelling in excess of two units.

B. All such devices shall be kept at ground level and must be placed upon a noncombustible surface such as brick or cement. No such devices shall be permitted on any type of elevated landing, surface, deck, stairway, roof or other elevated platform or portion of a structure.

C. Said devices are prohibited from being used within 15 feet of any structure, including but not limited to homes, garages, sheds, showers or other such structures.

D. Such devices are prohibited from being used within five feet of any other combustible surface, including but not limited to, bushes, fences, pools, plants, shrubs, houses used for feeding of sheltering animals or other combustible surfaces.

E. Said devices are prohibited from being used underneath any cave, overhang, roof, wires, tree limbs, vegetation, gutter, downspouts or decks.

F. Fireplaces and fire pits are not permitted in the front yard.

§ 107-4. Unattended Fire Pits Prohibited.

Any outdoor fireplace or fire pit must be constantly attended while in use and shall not be left unattended while any burning, smoldering or heat generation is taking place.

§ 107-5. Hours.

No fireplace or fire pit shall be used in the Borough of Sea Bright other than during the hours between 9:00 a.m. and midnight.

§ 107-6. Certain Burning Prohibited.

No trash or other waste such as garbage, leaves, construction debris, rubbish, plastic materials, leather, furniture or petroleum-based materials may be used to fuel any fire in an outdoor fireplace or fire pit within the Borough of Sea Bright. Only dry, seasoned firewood or prepackaged "Duraflame" type logs may be used as fuel for any fire in a fireplace or fire pit within the Borough of Sea Bright. The same shall be lighted by the minimal amount of newspaper or wood kindling necessary. Under no condition shall a flammable or combustible liquid such as lighter fluid, kerosene, gasoline or other combustible liquid be used to start, fuel or otherwise enhance any fire in a fireplace or fire pit in the Borough of Sea Bright.

§ 107-7. Extinguishment Required.

No person shall leave the contents of a fire pit burning or smoldering unattended and/or after use and proper extinguishment of the same is required. For the purpose of this chapter, proper extinguishment of the contents of a fire pit may be obtained by using a fire extinguisher with a minimum of a 4A rating or a garden hose with suitable water supply. The fire shall be properly and thoroughly extinguished and ashes are to be properly disposed no sooner than 48 hours after burning. Ashes may be stored in a metal can with a tightly fitted lid which is located at least five feet away from any building or other combustible surface or material.

§ 107-8. Enforcement.

The Sea Bright Police Department and the Code Enforcement Officer may enforce this chapter. Anyone authorized to enforce this chapter shall have the authority to immediately cause any person using a fire pit or fireplace within the Borough of Sea Bright to extinguish the same and order that the same not be used for an appropriate duration of time if said enforcement official believes that the continued use of a fire pit or fireplace may cause any of the following conditions:

A. An increased risk of fire hazard due to wind or other atmospheric conditions.

B. The use of any fireplace or fire pit in violation of this chapter.

§ 107-9. Precedence of Uniform Fire Code.

This chapter shall not apply to any burning that 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.

§ 107-10. Violations and Penalties.

A. The following penalties shall be applicable for any violations of this chapter:

(1) For a first offense: a violator shall be informed of the violation and ordered to properly extinguish the fire contained in the fireplace or fire pit. The violator shall be given a verbal warning and shall be subject to increased penalties for subsequent violations.

(2) For second offense: for any offense which occurs within a twenty-four month period of the first offense, a violator shall be subject to a fine of no less than \$50 and no more than \$500.

(3) For third or subsequent offense: for any offense which occurs within 24 months of a second offense, said violator shall be subject to a fine of no less than \$50 and no more \$1,250.

B. A violation will be considered a subsequent offense if a previous offense has occurred at the same property address within 24 months of a previous offense even if a citation was issued to another individual at said address.

SECTION TWO. If any section, paragraph, clause, or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.

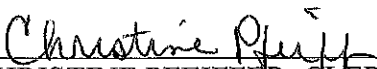
SECTION THREE. All ordinances or parts of ordinances inconsistent with or in conflict with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION FOUR. This ordinance shall take effect after final passage and publication as provided by law.

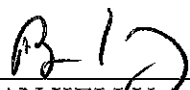
I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on November 13, 2023 and will be further considered after a Public Hearing held on December 19, 2023 at the Municipal Building, 1097 Ocean Avenue, at 7:00 p.m.

INTRODUCED: November 13, 2023
PUBLIC HEARING: December 19, 2023
ADOPTED: December 19, 2023

Witness


CHRISTINE PFEIFFER, CLERK

BOROUGH OF SEA BRIGHT


BRIAN KELLY, MAYOR