

**AN ORDINANCE AMENDING CHAPTER 18 OF THE REVISED GENERAL
ORDINANCES OF THE TOWNSHIP OF WEST ORANGE
TO ADD A SECTION REGARDING FIRE PITS**

WHEREAS, the Governing Body of the Township of West Orange recognizes the increasing popularity of outdoor fire pits and portable fireplaces; and

WHEREAS, pursuant to N.J.S.A. 40:48-1, the governing body of a municipality may make, amend, repeal, and enforce such other ordinances, regulations, rules and by-laws not contrary to the laws of this State or Federal Government, as it may deem necessary and proper for the good of government, order and protection of person and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants, and as may be necessary to carry into effect the powers and duties conferred and imposed by this subtitle, or by any law; and

WHEREAS, it is necessary to establish reasonable regulations for their safe use to protect public health, safety, and welfare and to comply with applicable state and fire code requirements; and

WHEREAS, the Governing Body finds that without reasonable regulations, recreational fires and burning of combustible materials in a residential setting may pose a serious hazard to the public health, safety, general welfare, and the quality of lives of the residents of the Township and that the residents have a right to and should be ensured of an environment free from noxious fumes and the threat of fire, but that residents of the Township also have the right to enjoy and use their private property, which may include the setting of recreational fires in accordance with the adopted rules and regulations, and it is the intention of the Governing Body to strike the appropriate balance between these rights in adopting rules and regulations governing the same; and

WHEREAS, the Governing Body finds that it is in the public interest that the provisions, prohibitions and controls concerning recreational fires be enacted as a matter of legislative determination and public policy and be adopted for the purpose of securing and promoting the public health, comfort, safety, and general welfare and quality of life of the residents of the Township.

NOW THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of West Orange, New Jersey as follows:

SECTION 1. The foregoing whereas clauses are incorporated herein by reference and made a part hereof.

SECTION 2. Chapter 18 of the Revised General Ordinances of the Township of West Orange be and is hereby supplemented in the Revised General Ordinances of the Township of West Orange to add Section 7 regarding outdoor fire pits and portable fireplaces.

§ 18-7.1 Definitions.

For the purposes of this Ordinance only and not to conflict with definitions published in the NJ Uniform Fire Code or other State or Federal regulations, the following definitions shall apply:

- a. “Approved Fire Device(s)” shall mean any commercially manufactured, permanent or portable structure or container designed to contain and control outdoor fires including but not limited to wood-burning, gas, and/or propane fire pits, chimineas, and outdoor propane or natural gas fireplace, with a total fuel area not exceeding three feet in diameter and two feet in height.
- b. “Approved Fuel Type” shall mean and refer to seasoned firewood, natural gas or propane.
- c. “Approved Recreational Fire” shall mean any fire which complies with the specifications set forth herein taking place on a residential property within the Township for the sole purpose of providing warmth or recreation, or for religious or ceremonial purposes, contained in an Approved Fire Device, fueled by an approved fuel type, occurring in an approved location, during approved weather conditions.
- d. “Combustible Structures” shall mean any permanent or temporary building, construction or other object which may ignite and burn when exposed to fire, embers, ashes, or heat, including but not limited to dwellings, garages, sheds, unroofed terraces, playground equipment, decks and fences.
- e. “Fire Pit” shall mean any open permanent or portable open structure or container designed to contain and control outdoor fires fueled by wood, gas, or propane.
- f. “Non-Wood Burning Fireplace” shall mean any enclosed permanent or portable structure designed to contain and control outdoor fires limited to being fueled solely by propane or natural gas.
- g. “Open Burning” shall mean the combustion of any material in the open air without a stack, chimney, or similar apparatus for emission control.
- h. “Recreational Fire” shall mean an outdoor fire burning materials other than rubbish, where the fuel being burned is contained in a fire pit, outdoor fireplace, or similar device for pleasure, religious, ceremonial, or similar purposes. This shall exclude outdoor devices (with wood, charcoal or natural/propane gas fuel) being utilized for cooking.
- i. “Wood-Burning Fire Pit” shall mean any open permanent or portable structure or container designed to contain and control outdoor fires fueled by seasoned firewood.

§ 18-7.2 Classification.

All Recreational Fires are prohibited and considered unapproved unless they comply with the definition of an Approved Recreational Fire and the specifications set forth in § 18-7.3 of this Code. as ,

§ 18-7.3 General Regulations

A. **Type of Fuel.** No Recreational Fire shall be permitted to be burned unless it is fueled by an Approved Fuel Type.

- a. **Prohibitions.** All materials which are not an Approved Fuel Type are prohibited from being used to fuel a fire, or from being burned within an Approved Fire Device, including, but not limited to, leaves, trash, rubbish, construction debris, pressure treated wood, plastic, glass, or synthetic fabric.
- B. **Location.** Recreational fires shall not be located within 15 feet of any Combustible Structure or overhanging branches. No Approved Fire Devices may be used on any porch, deck, balcony, or any other portion of a building; within any room or space; or under any building overhang.
 - a. **Exceptions.** Non-Wood Burning Fireplaces may be utilized on a porch, deck, or balcony.
- C. **Weather.** No Recreational Fire shall be kindled when winds exceed 10 mph or when a burn ban or drought warning has been issued by the NJ Forest Fire Service, the West Orange Fire Department or the New Jersey Department of Environmental protection.
- D. **Screening.** No Recreational Fire shall be permitted to be burned in a Wood-Burning Fire Pit unless all openings are covered with wire mesh or other screening materials that will prevent the passage of sparks or embers.
- E. **Extinguishment.** No Recreational Fire shall be permitted to be burned unless the fire is constantly attended and supervised by an adult until the fire is extinguished. A fire extinguisher, garden hose, and/or sand filled bucket shall be located within 10 feet of the Approved Fire Device.
- F. **Nuisance.** No Recreational Fire shall be permitted to be burned which causes escape into the open air from any stack, vent, chimney or any entrance to the open air or from any fire into the open air of such quantities of smoke, fly ash, dust, fumes, vapors, mists or gases as to cause injury, detriment, or annoyance or to endanger comfort, repose, health or safety.
- G. **Prohibition.** Any Recreational Fire which violates any provision of this Ordinance is prohibited.
- H. **Enforcement.** This Ordinance may be enforced, and the immediate extinguishment of any Recreational Fire, which interferes with the health, safety or welfare of neighboring residents or properties may be ordered by the Fire Chief, Police Chief Director of Health and Welfare and/or Zoning Official or authorized designee.
- I. **Violations.** Any person who violates any provision of this section shall be punished by a fine set by resolution. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 3. If any section, paragraph, subdivision, sentence, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph,

subdivision, sentence, clause, or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.

SECTION 4. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

SECTION 5. This Ordinance shall take effect upon final passage and publication according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Township Council of the Township of West Orange, County of Essex, State of New Jersey held in the Municipal Building on the 24th day of March, 2026, and the same came up for final passage at the regular meeting of the Township Council held on the 14th day of April, 2026, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Township of West Orange after approval by the Mayor or in accordance with law.

Susan McCartney, Mayor

Susan Scarpa, Council President

Karen J. Carnevale, R.M.C.
Municipal Clerk

Introduced: March 24, 2026

Adopted: April 14, 2026