

**CITY OF UNION CITY  
COUNTY OF HUDSON, STATE OF NEW JERSEY  
ORDINANCE NO. 2021-5**

**ORDINANCE RESTRICTING OPEN BURNING  
THROUGHOUT THE CITY OF UNION CITY**

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, a municipality may make, amend, repeal and enforce ordinances not contrary to the laws of this State or of the United States, as it may deem necessary and proper for order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants; and

**WHEREAS**, the City of Union City (the "City") is a municipality as defined by Title 40 of the New Jersey Statutes; and

**WHEREAS**, the City has received complaints regarding open burning and smoke created from such fires from residents of the City; and

**WHEREAS**, the City is one of the most densely populated municipalities in the United States; and

**WHEREAS**, the density of the City as well as the close living quarters for many residents create an increase in the potential hazards of an open flame as the opportunity to spread quickly is likely in such an environment; and

**WHEREAS**, the Mayor and Board of Commissioners seek to restrict open burning in exterior areas such as decks, porches, rooftops and yards to prevent smoke and fire hazards which may jeopardize the health, welfare and safety of its citizens or degrade the quality of life within the City.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the City of Union City, County of Hudson, State of New Jersey, they being the Governing Body thereof, as follows:

Chapter 171 entitled "Fire Prevention" shall be amended to add a new Article III which shall be entitled "Fire Restrictions" and shall set forth the following:

**SECTION ONE**

**Definition**

Open burning: The burning of any materials wherein products of combustion are emitted directly into the ambient air with-out passing through a stack or chimney from an enclosed chamber. For the purpose of this definition, a chamber shall be regarded as enclosed, when, during the time

combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

### **Open Burning Prohibited.**

It shall be unlawful for a person or entity to make, continue or cause to be made or continued any Open Burning at any location throughout the City.

## **SECTION TWO**

### **Charcoal and Gas Cooking Equipment.**

Charcoal and gas cooking equipment such as barbecue grills shall not be stored or used:

1. On any porch, balcony or any other portion of a building;
2. Within any room or space of a building;
3. Within five feet of any combustible exterior wall;
4. Within five feet, vertically or horizontally, of an opening in any wall; or
5. Under any building overhang.

## **SECTION THREE**

### **Violations and penalties.**

A. Violation of any provision of this chapter shall be cause for a Municipal Court summons to be issued by the Police Department, Code Enforcement Official, Health Officer, or any member of the general public who is affected by excessive noise.

B. Violation of the provisions of this chapter shall be punishable as provided in Chapter 1, General Provisions, Article IV, General Penalty, except that with each violation there shall be a minimum fine of two hundred fifty (\$250.00) dollars payable through the Municipal Court Violations Bureau.

## **SECTION FOUR**

**Severability.** If any term or provision of this Ordinance is held to be illegal, invalid, or unenforceable by a court of competent jurisdiction, in whole or in part, such determination shall not affect the validity of the remaining terms and provisions of this Ordinance.

## **SECTION FIVE**

**Repealer.** All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

**SECTION SIX**

In order to avoid accidental repeal of existing provisions, the City Clerk and the Corporation Counsel are hereby authorized to change any chapter numbers, article numbers and/or section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing Code.

**SECTION SEVEN**

This Ordinance shall take effect upon passage and publication as required by law.

<b>Commissioners</b>	<b>Yea</b>	<b>Nay</b>	<b>Abstain/Present</b>	<b>Absent</b>
Lucio P. Fernandez				
Wendy A. Grullon				
Celin J. Valdivia				
Maryury A. Martinetti				
Mayor Brian P. Stack				

**I HEREBY CERTIFY** this to be a true and correct Ordinance of the City of Union City Board of Commissioners, introduced on April 20, 2021 and was further considered and adopted after a Public Hearing held on May 4, 2021 at Union Hill Middle School, 3808 Hudson Avenue, Union City, New Jersey.

INTRODUCED: April 20, 2021

ADOPTED: May 4, 2021

ATTEST:

\_\_\_\_\_  
Erin Knoedler  
City Clerk

\_\_\_\_\_  
DATE