

**FIRES AND OPEN BURNING**

**Chapter 60  
FIRES AND OPEN BURNING**

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**60-1. Definitions.**

As used in this Chapter, the following terms shall have the meanings indicated, unless a different meaning clearly appears from the context:

FURNACE - Any enclosed device specifically designed for burning any material for the production of heat.

GARBAGE - All putrescible animal and vegetable matter resulting from the handling, preparation, cooking and consumption of food.

COUNCIL - The Borough Council of the Borough of Exeter.

INCINERATOR - Any device specifically designed for the destruction by burning of refuse, sewage sludge, or any other combustible material.

OPEN FIRE - A fire in which any material is burned in the open or in a receptacle other than a furnace or incinerator.

PERSON - Any individual, partnership, association, corporation, department, bureau, agency or other legal entity.

REFUSE - Garbage, rubbish and trade waste.

RUBBISH - Solids not considered to be highly flammable or explosive including but not limited to rags, old clothes, leather, rubber, carpets, wood, excelsior, paper, ashes, tree branches, tree leaves, yard trimmings, furniture, tin cans, glass, crockery, masonry and other similar materials.

SALVAGE OPERATION - Any business, trade or industry engaged in whole or in part in salvaging or reclaiming any product or

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1 material, including but not limited to, metals, chemicals,  
2 shipping containers or drums.

3  
4 TRADE WASTE - All solid or liquid material or rubbish resulting  
5 from construction, building operations, or the prosecution of  
6 a business, trade or industry including but not limited to,  
7 plastic products, cartons, paint, grease, oil and other  
8 petroleum products, chemicals, cinders and other forms of solid  
9 or liquid waste materials; provided, that "trade waste" shall  
10 not include any coal refuse associated with the mining or  
11 preparation of coal.

### 12 13 **60-2. Regulations.**

14 Within the limits of the Borough of Exeter, no person shall:

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17 A. Ignite or feed an open fire for the destruction of refuse  
18 or in the conduct of a salvage operation in any public or  
19 private place outside any building, or  
20  
21 B. Cause, suffer, allow or permit the maintenance of any open  
22 fire for the destruction of refuse, or in the conduct of a  
23 salvage operation on any property under his control outside  
24 of any building.

### 25 26 **60-3. Exceptions.**

27 The restrictions of this Chapter shall be subject to the  
28 following exceptions:

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30  
31 A. Open fires may be set in the performance of an official  
32 duty of any public officer if the fire is necessary for:  
33  
34 (1) The prevention of a fire hazard which cannot be  
35 abated by other means; or  
36  
37 (2) The protection of public health.

### 38 39 **60-4. Enforcement.**

40 The Zoning Officer of the Borough of Exeter as well as any  
41 Exeter Borough Police Officer shall have the power to enforce the  
42 provisions of this Chapter.

### 43 44 45 **60-5. Penalties.**

46 Any person who shall violate any provision of this Chapter  
47 shall, upon conviction thereof, be sentenced to pay a fine of not  
48 more than three hundred (\$300.00) dollars, and in default of  
49 payment, to imprisonment for a term not to exceed thirty (30) days.  
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