

ORDINANCE CONCERNING OPEN BURNING

BE IT ENACTED by the Town Council of Plainville in a meeting duly assembled that, pursuant to Section 23-48 of the Connecticut General Statutes, the following Ordinance is adopted:

SECTION 1. DEFINITION.

1.1 “Open Burning” shall mean the kindling of a fire in the open air without containment or in simple outdoor structures that permit the products of combustion to be emitted directly into the ambient air space.

1.2 “Simple Outdoor Structures” means outdoor structures, fire pits, receptacles, or other devices that are designed principally to contain the material being burned or to minimize the risk of fire and which do not provide effective control of the air pollutants generated.

1.3 “Person” means any person who kindles or directs another to kindle a fire.

1.4 “Bonfire” means any fire that is larger than a recreational fire, with clean dry wood, monitored by a standby fire suppression team.

1.5 “Brush” shall mean any twig, stick, or tree limb less than four (4) inches in diameter.

1.6 “Fire Marshal” shall mean the legally designated Fire Marshal of the Town of Plainville, or his or her designated assistant.

1.7 “Senior Fire Officer” shall mean any Plainville Fire Department Officer.

1.8 “Senior Fire Department member” shall mean any member with seniority in good standings.

1.9 “Recreational Fire” The noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 ft (0.9 m) in diameter and 2 ft (0.6 m) in height.

2.0 “Open Burning Official” any person that is certified by the Department of Environmental Protection to issue Open Burning Certificates and enforce laws related to open burning.

SECTION 2. PERMIT REQUIREMENTS.

2.1 No person shall initiate open burning in any public or private area outside any building without first acquiring a permit from the Fire Marshal or Open Burning Official.

2.2 Each permit shall be applicable only for the occasion or circumstances, as the case may be, for which the application is approved; a new permit shall be required for all contemplated open burning not sanctioned by an existing permit.

2.3 Permits will be issued no earlier than forty eight (48) hours prior to the effective permit hours. The Permit fee will be \$10.00.

2.4 Permits may be revoked at any time by the Fire Marshal, Open Burning Official, any Senior Plainville Fire Officer, or the State Forest Fire Warden because of one or more of the following conditions:

- (a) High air pollution potential;
- (b) The creation of a nuisance or hazard by the open burning in question;
- (c) An extreme or high forest fire danger exists.

2.5 Open burning initiated in violation of this Ordinance shall be promptly extinguished by the individual or individuals responsible for the same upon notice from the Fire Marshal, Open Burning Official, Senior Plainville Fire Officer, Senior Fire Department member or a State Forest Warden.

SECTION 3. ISSUANCE OF PERMITS.

3.1 Open burning permits are required for the following, among other things:

- (a) The burning of brush in the absence of municipal collection, provided that the burning is restricted to the property where the permittee resides;
- (b) Bon fires for ceremonies, provided fire department and extinguishing equipment is on premise of the activity.

3.2 Open burning permits shall not be issued if the Fire Marshal or Open Burning Official determines that:

- (a) A practical alternative method is available for the disposal of the material to be burned;
- (b) A hazardous health condition might be created by such burning;
- (c) The purpose of the burning would be to dispose of automobiles and accessories, scrap and waste materials derived from automobile salvage;
- (d) The purpose of the burning is for salvage operations (e.g. burning of wire insulation to recover copper.)
- (e) Grass, garbage, leaves, metals, paper, painted materials, plastics, rubber, demolition or construction materials are to be burned;
- (f) An advisory of an air pollution emergency episode is in effect pursuant to Section 22a-174-6 of the Regulations of Connecticut State Agencies;
- (g) Such open burning would interfere with or prevent the attainment or maintenance of a relevant air quality standard;
- (h) The forest fire danger, as determined by the State Forest Fire Warden, is high or extreme;
- (i) Burning is being conducted within a Town right of way.

3.3 Open burning may be conducted under the following circumstances without first acquiring a permit as required by Section 3.2, except as noted:

- (a) To abate an immediate fire hazard provided that the abatement fire is supervised by a responsible State Forest Fire Warden, Plainville Fire Marshal, Open Burning Official or a Senior Plainville Fire Officer;
- (b) The cooking of food, provided no smoke violation or other nuisance is created;
- (c) construction purposed, such as open burning in salamanders or other devices used by the workers for heating purposed and small fires kindled by contractors essential to street installation or paving activities, the repairing of utilities, or similar work, providing no smoke violation or other nuisance is created;

(d) Recreational fires, as defined, and clean, cut, and dry firewood is used; providing no smoke violation or other nuisance is created;

(e) In a chimenea or other similar patio containment device, provided the fire is contained solely within the device and clean, cut, and dry firewood is used.

SECTION 4. PENALTY.

4.1 Failure to comply with this Ordinance shall be a violation punishable by fine of Fifty dollars (\$50.00).

SECTION 5. SEVERABILITY.

5.1 The provisions of this ordinance are declared to be severable, and the invalidity of any portion shall not affect the validity of the remainder.

Adopted by the Town Council November 6, 2006