

Town of Seymour

OPEN BURNING ORDINANCE

Section 1: Declaration of Policy

It is hereby found and declared that there may exist within the Town of Seymour that the open burning of wood, leaves and other materials for recreational use, for the cooking or preparation of food or for the clearing of property may create a nuisance to people surrounding or near the property in which the open burning is being done. It is also declared that people surrounding or near properties in which open burning is being performed have a right to expect that the burning will not create a significant unsafe, unhealthy or hazardous environment for them to be in. The open burning must not create a condition in which a fire hazard is created or a condition in which the open burning can cause a fire to spread beyond its initial area.

This Ordinance shall not supersede Connecticut regulations that apply to open burning, outside wood burning furnaces or emissions from chimneys from structures. This Ordinance shall not apply to emissions from chimneys from building structures.

The Town issued brush burning permits in no way relieves any individual from their responsibility for any damage or injury caused by their fire to another person's property or person.

Section 2: Definitions

For the purpose of this Ordinance, the following words, terms and phrases shall have the following meanings, unless the context clearly indicates otherwise:

Bonfire shall mean an outside fire of considerable size for the sole purpose of celebrating an event or occurrence either on private or public property. A fire equal in size or larger than a typical automobile would be considered a bon type fire.

Brush Fire shall mean the burning of shrubs, vegetation or prunings the diameter of which is not greater than three inches at the widest point for the purpose of clearing property or for the prevention, control, or destruction of diseases and pests and vegetation management.

Ceremonial Burning shall mean the open burning of materials such as flags for the purpose of disposing of said material that is fit and proper.

Fire Training fire shall be methods of fire inside a structure or in the open environment for the purpose of training firefighters to enhance their skill performance.

Fire Pit shall mean an outside area of earth ground or a hole in earth ground that may or may not be surrounded by noncombustible materials with the intent of controlling the potential spread of a fire.

Nuisance shall mean a situation in which a recreation, bonfire, fire training, cooking or brush burning type fire creates an environment on or in property, other than the property where the fire is occurring, which is considered to be unhealthy, hazardous, reasonably annoying, uncomfortable, unsafe, creating a traffic hazard, creating a persistent odor or would cost resources to eliminate the odor from the property. This shall apply to but not be limited to smoke, soot, fumes, odors, vapors, noxious gases, products of combustion, heat and incomplete products of combustion.

Open Burning shall mean the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flue. Definition from Connecticut General Statutes 22a-174-1 (59).

Open Burning Official shall mean any person designated by the Town of Seymour under Connecticut General Statutes to enforce Connecticut Open Burning Regulations, this article and any applicable regulations.

Permit shall mean any paper or electronic form to document the approval of open burning that has been designated by the State of Connecticut or Town of Seymour to serve as the approval.

Recreational Fire shall mean an outside fire created for the purpose of experiencing the outside natural environment, for the human consumption of beverages or food and the cooking or smoking of food for human consumption and ceremonial purposes. The fire shall be fueled by combustible materials, flammable or combustible gas or liquid which is normally used to create this type of fire. Some typical words describing a recreation fire includes campfire, barbecue, grill fire and fire pit.

Recreational Fire Appliance shall mean a commercially or privately manufactured device in which the intent of its manufacturing was to contain or control a recreation type fire.

Resident shall mean an individual seeking to burn on the property where he or she resides.

Windy Conditions shall mean a wind velocity of 15 mph or more. Refer to CT.Weather.com then go to Brush Fire Conditions.

Section 3: Permit Requirements

A. It shall **not** be required to obtain a permit for the following type fires:

- (i) Outdoor recreational type fires fueled by combustible materials, flammable or combustible gas or liquid.
- (ii) Outdoor fires to abate an immediate fire hazard provided that the abatement fire is supervised by a responsible fire department member.
- (iii) Fires in salamanders or other similar devices used by construction or other workers for heating purposes, fires are essential to street installation, paving activities, building roofing activities, repairing of utilities and other similar work.

B. It **shall be** required to obtain a permit for the following type fires:

- (i) Fires in which the intent is to burn brush, trees, fields or woods in the clearing or cleaning up of property. Consideration should be given to the possibility of a practical and alternative method for the disposal of the material to be burned, including but not limited to chipping, cutting for forest products, land filling, piling for protective cover for wildlife and stockpiling, cost and access.
- (ii) Bon type fires.
- (iii) Fires for the training of firefighters in the methods of extinguishment and fire operations whether outside or inside structures.
- (iv) Ceremonial fires

Section 4: Regulations

- A. Recreational, bonfire and brush type fires shall not create a nuisance to surrounding neighbors, homeowners, people and property.
- B. Recreational type fires shall be contained in either a fire pit or recreational fire appliance.
- C. Recreational, bonfire and brush type fires shall not be burned for more than 3 consecutive days.
- D. Recreational, bonfire and brush type fires must be arranged and burning in a fire safe manner. The size of the pre-burn piled materials and burning materials shall be of proper size and height that creates a fire safe arrangement. The size of the lot in which the open burning occurs will be a consideration regarding its fire safe manner.
- E. Processed wood, garbage, grass, paper, metals, rubber, painted materials, demolition waste, cardboard, construction waste material, plastic, flammable and combustible liquids, hazardous materials, and any other materials that are prohibited by Connecticut regulations or deemed hazardous to burn by the Open Burning Official or the Fire Marshal shall not be allowed to be burned. The burning of loose leaves shall not be allowed unless it is incidental to the collection of materials being burned. This section does not apply to fire training burn permits issued for the sole purpose of fire fighting training.
- F. Burning construction materials and waste at construction sites shall not be allowed.
- G. The burning of brush shall not be allowed when the Connecticut Department of Environmental Protection has issued a high or extreme level of fire danger or a smog (air pollution) alert.
- H. Recreational type fires shall not be allowed when the Connecticut Department of Environmental Protection has issued an extreme level of fire danger or a smog alert.
- I. A recreational type fire must be monitored and supervised by a person of at least 14 years of age and be able to make responsible decisions to adequately control it and will be in charge of such fire as long as it remains burning.
- J. Brush burning type fires must be monitored and supervised by a person of at least 16 years of age and be able to make responsible decisions to adequately control it and will be in charge of such fire as long as it remains burning.
- K. Brush burning shall have some type of a fire extinguishing method immediately available to the supervising person.
- L. Brush burning shall not take place within 25 feet or a public roadway.
- M. All burning conditions shall be determined by the Open Burning Permit Official or Fire Marshal. Said Officials have the right to deny any brush burning permit if they determine that the issuance of said permit may create a nuisance, environmental hazard or fire hazard.
- N. Brush burning shall be permitted only between the hours of 10:00 A.M. and 5:00 P.M. Sunday thru Saturday. All brush fires must be extinguished by 5:00 P.M. This does not apply to fire training burning permits issued for the purpose of training fire fighters.
- O. There shall be no brush burning during windy conditions. Under these conditions all issued brush burning permits are void.
- P. A brush burning permit shall be valid for a maximum of 14 days. The validation time period shall be determined by the Open Burning Official or Fire Marshal.
- Q. Brush type fire permit shall be given to the resident to dispose of brush on the property where he/she resides.
- R. The burning of fresh cut trees, limbs and leaves shall be prohibited. The trees, limbs or leaves must be reasonably aged. This shall be determined by the Fire Marshal or Open Burning Official.
- S. Any Fire Training Open Burning is required to have an Open Burning Permit. The Open Burning Official or the Fire Marshal shall have the authority to issue a permit for such training.
- T. A copy of the brush burning permit and fire training permit shall be kept in the possession of the applicant at the burning site at all times during the burning.

Section 5: Enforcement

- A. The Open Burning Official(s) and Fire Marshal are charged with the enforcement of this Ordinance. They can request assistance from the Police Department, Fire Department or Connecticut Department of Environmental Protection, as necessary. The Police Department and Fire Department may also enforce this Ordinance if the circumstances create an effective enforcement. They can request assistance for an Open Burning Official or Fire Marshal, when necessary.
- B. The Open Burning Official(s) or Fire Marshal shall provide the homeowner, resident or person responsible for the open burning a notice of written warning violation when the open burning is in violation of this Ordinance and any part of it. The written warning violation notice shall be left with the proper person or affixed to the residence in a conspicuous location. When necessary, a copy of the written violation shall be sent to the responsible person(s) by certified mail and return receipt requested. In the event that the responsible person does not claim such form at the Post Office, the Open Burning Official(s) or Fire Marshal shall have such notice served by a Judicial Marshal.
- C. If the Open Burning Official(s), Fire Marshal, Police Department or Fire Department determines that in the best interest of public safety and/or the intent of this Ordinance, the open burning must immediately cease, they have the authority to have the open burning extinguished, as soon as possible.
- D. Nothing in this Ordinance shall limit the power and authority of the Open Burning Permit Official(s) or Fire Marshal to enforce their respective regulations or other related Connecticut Regulations regarding open burning.
- E. Open brush burning is not allowed without a permit. Brush burning without a permit is illegal and the individual(s) responsible for the burning may be subject to arrest by the Police Department or any other authorized person(s).
- F. Any Open Burning Official or Fire Marshal may revoke or cancel a burn permit if it is deemed that the open burning is creating a nuisance, fire hazard, unsafe condition, environmental hazard or for any other reasonable condition.
- G. The notice of written violation form, as a minimum shall contain the following information:
 1. The effected property.
 2. The exact nature and Ordinance section(s) of the violation(s).
 3. A copy of this Ordinance.
 4. The penalty or fine for the violation of this Ordinance.
 5. The penalty(s) or fine(s) for continued violation of this Ordinance.
 6. The procedure to appeal this violation(s).
 7. The name and business telephone number(s) of the Open Burning Official or Fire Marshal finding such violation(s).
 8. A copy of the Ordinance establishing hearing procedure for Town citations and fines.

Section 6: Penalties

- A. A maximum of 1 written warnings shall be allowed to the homeowner, resident or responsible person(s) for the violation of this Ordinance.
- B. After the first written warning in a calendar year, the homeowner, resident or responsible person shall be fined \$100 for each additional written warning. This process shall continue up to the third written warning.
- C. If the violations continue after the third written warning, the Open Burning Official(s) or Fire Marshal shall seek an order from the court system for a cease and desisted order of the open burning that the previous written warnings were issued for.

Section 7: Appeals Procedure

- A. The homeowner, resident or person responsible for the open burning may appeal the action of the Open Burning Official(s) or Fire Marshal within 10 days of his receipt of the Official written notice form stated in

Section 5 G of this Ordinance. The appeal shall be made in compliance with the Town Ordinance establishing Hearing Procedures for Town Citations and Fines. Any penalties or fines imposed by this Ordinance may be appealed in the manner provided by the same Town Ordinance Establishing Hearing Procedure for Town Citations and Fines.

The effected person(s) can request a hearing on actions taken by Town Officials by following the Town's hearing procedure.

Section 8: Effective Date

This Ordinance shall be effective immediately upon action of the Board of Selectmen.

Adopted this 16th day of September 2008 by the Seymour Board of Selectman. It will go into effect on the 23rd day of September 2008.

Robert J. Koskelowski,
First Selectman
Town of Seymour