

Town of Chaplin, Connecticut

Open Burning Ordinance

Title.

This article shall be known and may be cited as the "Open Burning Ordinance."

Definitions.

As used in this article, the following words or phrases shall have the meaning ascribed to them in this section:

Ambient air space means the unconfined space occupied by the atmosphere above the geographical region of Chaplin.

Brush means shrubs, vegetation or pruning's, the diameter of which is not greater than three inches on the end cut.

Building means any structure which is enclosed by a roof and walls and is used for any occupancy such as a dwelling, a place of assembly, institutional uses or business.

Commissioner means the commissioner of the state department of environmental protection.

Incomplete combustion occurs when wood is burned in a campfire, bonfire, fire pit, chiminea or similar device and creates large amounts of smoke and un-burnt particulate matter; this pollutes the air and can make it difficult for people with respiratory problems to breathe, particularly in densely populated areas.

Nuisance is the unreasonable, unwarranted, or unlawful use of one's property in a manner that substantially interferes with the use or enjoyment of another individual's real property, without an actual trespass or physical invasion to the land.

Open burning means any burning outside the confines of a building.

Open burning official means the town fire marshal or his or her designee.

Open burning certificates required.

- 1) Except as specified in this Ordinance no person shall set, cause or permit an open fire without obtaining an open burning certificate from the open burning official or the commissioner or their respective designees.
- 2) An application for an open burning certificate for any fire described shall be made on forms furnished by the open burning official, and each applicant shall explain the purpose of the fire, the nature and quantity of material to be burned and any other information the open burning official considers necessary.
- 3) A certificate issued under this section shall be applicable only for the occasion or the purpose for which it has been obtained.

Exceptions and applications.

Certificates shall not be required for the following types of fire, provided that permission of the property owners is obtained:

- 1) Barbecues or other outdoor fires for the cooking of food for human consumption.

- 2) Bonfires, cooking fires or other fires for recreational or ceremonial purposes, including burning appliances, (i.e. chimineas, outdoor fireplaces, fire pits etc.) provided that the size of such fires do not exceed five feet in any dimension. There shall be some type of extinguishment device in the area. (i.e. extinguisher, garden hose etc.) Fires must always be attended by an adult
 - a. Bonfires, cooking fires or other fires for recreational or ceremonial purposes, including burning appliances, (i.e. chimineas, outdoor fireplaces, fire pits etc.) shall not be kindled within 20 feet of adjacent property lines or within 20 feet of any combustible materials (i.e. brush, leaves, paper products, etc.) and structures. (i.e. outbuildings, fencing, trees, etc.)
 - b. Bonfires, cooking fires or other fires for recreational or ceremonial purposes, including burning appliances, (i.e. chimineas, outdoor fireplaces, fire pits etc.) shall not create a fire hazard or a public nuisance. (i.e.: excessive smoke)
 - c. Bonfires, cooking fires or other fires for recreational or ceremonial purposes, including burning appliances, (i.e. chimineas, outdoor fireplaces, fire pits etc.) shall be extinguished when not in use so as no incomplete combustion occurs.
 - d. Bonfires, cooking fires or other fires for recreational or ceremonial purposes, including burning appliances, (i.e. chimineas, outdoor fireplaces, fire pits etc.) are strictly prohibited when the Air Quality Index (AQI) is predicted to be 75 or higher anywhere in the State as indicated in the Table entitled "Predicted Daily AQI Maximums for Month/Day/Year" as found at www.ct.gov/deep/aqi. When the Forest Fire Danger Level is high, very high, or extreme, as found at www.ct.gov/deep/forestfiredanger. When there is an advisory from the State of Connecticut's Department of Energy and Environmental Protection of any air pollution episode.
 - e. Bonfires, cooking fires or other fires for recreational or ceremonial purposes, including burning appliances, (i.e. chimineas, outdoor fireplaces, fire pits etc.) are strictly prohibited from the burning of any garbage, paper, glass, metal, plastics, leaves, rubber, painted surfaces, demolition wastes, animal or vegetable waste, automotive parts, waste oils, processed wood including pressure treated woods. Burning of any material that emits large quantities of smoke (i.e. green wood) is strictly prohibited.
 - f. Bonfires, cooking fires or other fires for recreational or ceremonial purposes, including burning appliances, (i.e. chimineas, outdoor fireplaces, fire pits etc.) must cease if so directed by any member of the Town Fire Marshal's Office, Burning Official, any Officer of the Police or Fire Department or any Official of the Department of Energy and Environmental Protection.
 - g. Anyone who does not comply with above said conditions is subjected to penalties for offenses and/or Section 23-48 of the Connecticut General Statutes of a fine not to exceed two hundred dollars or imprisoned not more than six months or both.
- 3) Fires for training members of a volunteer fire department in firefighting methods and where only liquid fuels are to be burned.
- 4) Fires in salamanders or other similar devices used by construction workers for heating purposes or fires essential for street installation or paving activities, the repairing of utilities or other similar work.

Certificates are required and may be issued by the Fire Marshal, Open Burning Official or his/her designees for:

- (1) Fires by any resident to dispose of brush on the property where he/she resides.
- (2) Fires for the prevention, control or destruction of diseases and pests, and agricultural burning for vegetation management.

- (3) Fires for training exercises, other than those stated in subsection (a)(3) of this section.
- (4) Bonfires or other ceremonial fires for recreational or ceremonial uses exceeding five feet in any dimension.

Fires for any other of the following types of open burnings must be approved by the commissioner of the state department of environmental protection, as set forth in the department of environmental protection regulations.

- a. Fires for the disposal of dangerous materials such as toxic gases, where there are no reasonable alternatives.
- b. Fires to thwart a hazard, which cannot properly be managed by any other means or is necessary for the safety and protection of the public's health.
- c. Any other fires not specified in the subsections.

Denial of certificates.

The open burning official shall deny the issuance of an open burning certificate requested when he or she determines that:

- 1) Such burning may create a hazardous health condition.
- 2) The fire constitutes a salvage operation, paper, grass, metals, plastics, leaves, painted materials and/or demolition and construction waste are to be burned.
- 3) Such burning may cause harm to real property, plants and trees, or wetlands habitat due to the closeness or proximity.
- 4) Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard.
- 5) The forest fire danger, as determined by the state forest fire warden and/or the fire marshal, is high or extreme.
- 6) The commissioner of the State Department of Environmental Protection has issued an advisory of an air pollution emergency episode stage pursuant to the department of environmental protection regulations.

Conditions on open burning certificates.

Certificates approved shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety and comfort of the public, including but not limited to the following:

- 1) Open materials and quantities specified on the permit may be burned.
- 2) The open burning official shall specify on any permit the hours and days during which open burning is allowed.
- 3) Except for fire training exercises, burning shall only be permitted on sunny or partly sunny days when the wind speed is between five to 15 miles per hour.
- 4) A copy of the permit shall be kept in the possession of the applicant at the burning site at all times during said burning. The applicant shall call the area dispatch phone number printed on the permit on the day that the open burning is to be conducted, prior to any burning, to determine the daily fire danger, and to notify the fire department that open burning will be conducted at the specific location.
- 5) The open burning official may revoke, in writing, any certificate or add any reasonable conditions if circumstances indicate that air pollution standards will be violated.

Penalties for offenses.

Any person who violates any provision of this chapter shall be subject to the following penalties and fines:

- 1) First offense or violation: Written warning.

- 2) Second or subsequent offense or violation: \$100 for each separate violation and each day of continued violation.
- 3) The open burning official may seek enforcement of the provisions of this chapter by injunction and, in such event, the violator shall pay the town's reasonable attorney's fees. Any and all remedies which the town has in enforcing this chapter, at law or in equity, shall be cumulative, and two or more or all of such remedies may be exercised at the same time.
 - a. The open burning official may, when appropriate, seek enforcement of the provisions of this chapter [article] by injunction. In such event, the violator shall be liable for the town's legal costs and expenses, including attorneys' fees.
 - b. Any person who violates any provision of the regulations of the Connecticut Department of Environmental Protection may be subject to the penalties prescribed in those regulations, as well as to the penalties provided by this article.

Appeal.

Any such fine or financial penalty may be appealed and enforced pursuant to the **Town of Chaplin Hearing Procedure for Citations Ordinance** authorized by Connecticut General Statutes Section 7-152c.