

**OPEN BURNING**

**Section-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**BRUSH** - Shrubs, vegetation or prunings; the diameter of which is not greater than three inches at the widest point.

**CERTIFICATE** - A Certificate of Open Burning issued by the Open Burning Official in such form or detail and valid for such period as the Open Burning Official may prescribe.

**COMMISSIONER** – The commissioner of the State of Connecticut Department of Energy and Environmental Protection.

**GRILL, BARBECUE OR OUTDOOR FIREPLACE** - Any masonry or metal structure used only for cooking outdoors and not used for any disposition of material specified in the definition of Open Burning.

**OPEN BURNING** - Any fire in the open air or otherwise outside the confines of a building for the purpose of:

- A. The prevention, control or destruction of diseases and insect infestations, and agricultural burning for vegetation management;
- B. The disposal of Brush by a person on residential property, which property such person: (i) owns; or (ii) resides upon, with the written permission of the property owner to so dispose;
- C. Any other open fire other than those set forth in Section-2A of this ordinance.

**OPEN BURNING OFFICIAL** - Any person nominated by the First Selectman and certified by the Commissioner as a local Open Burning Official. The Open Burning Official may serve in a temporary capacity from the date of his or her appointment, until such certification by the Commissioner.

**Section-2. Permit required; distance from structures.**

- A. No person shall kindle an Open Burning within the Town of New Hartford without first obtaining a Certificate. The Certificate requirement does not apply to the following:
  - (1) The use of an outdoor Grill, Barbecue or Outdoor Fireplace to cook food for human consumption;
  - (2) Any burning confined to a firepit of not more than 5 feet in diameter or similar contrivance solely for recreational purposes; and

- (3) Fires to abate an immediate fire hazard, provided the abatement fire is supervised by a responsible municipal fire official, such as open burning official or fire department chief.

B. Subject to all other requirements of this Ordinance, no person shall kindle an Open Burning unless: (i) the location of such Open Burning is: at least 50 feet from any building or other structure, woodlands or grasslands; or as the Open Burning Official otherwise deems to be an appropriate distance; and (ii) adequate provision is made to prevent the fire from spreading to any structure or other combustible material in an uncontrolled manner.

### **Section-3. Hours; weather conditions.**

Open burning shall be done only in daylight between the hours of 10:00 a.m. and 5:00 p.m, as may be further specified on the Certificate, and shall only occur on sunny or partly sunny days when wind speed is no more than 15 miles per hour. The Open Burning Official may extend the hours, at their discretion, during summer months.

### **Section-4. Certificate holder presence at Open Burning.**

The Certificate holder shall constantly be present at the subject Open Burning until the fire is extinguished. The Certificate holder shall have extinguishing equipment ready and immediately available for use.

### **Section-5. When fires shall be prohibited. Authority to prohibit burning during hazardous circumstances.**

Notwithstanding the issuance of any Certificate, per Conn. Gen. Stat. § 22a-174, no Open Burning of Brush shall occur: (i) when national or state ambient air quality standards may be exceeded; (ii) where a hazardous health condition might be created; (iii) when the forest fire danger in the area is identified by the Commissioner as extreme (high or very high) and where woodland or grass land is within one hundred feet of the proposed burn; (iv) where there is an advisory from the Commissioner of any air pollution episode; or (v) where otherwise prohibited by this or any other Town of New Hartford authority.

Without limitation of the preceding paragraph, the Open Burning Official or the Fire Marshal may prohibit any or all Open Burnings when atmospheric or local circumstances make such fires hazardous, in the opinion of such official.

### **Section-6. Certificate procedures.**

- A. A signed Certificate from the Open Burning Official is needed for each specific location of an Open Burning.
- B. Each Certificate shall be valid only for the period specified on the Certificate (in compliance with DEEP “fire index” ratings).
- C. The Open Burning Official reserves the right to deny issuance of any permit request where he/she believes that the Open Burning operation cannot be completed in a safe fashion. One Open Burning Official cannot over-rule the denial of another Open Burning Official.

#### Section-7. Burning restrictions.

The following shall not be burned under any circumstances (and the following restrictions shall also apply to outdoor Grills, Barbecues, Outdoor Fireplaces, Outdoor Furnaces and Fire pits):

- A. Tires, waste oil, waste fuel or any other material (including green or unseasoned wood) that emits large quantities of smoke.
- B. Garbage, animal or vegetable waste.
- C. Automobiles, or parts removed from automobiles or other vehicles.
- D. Paper, grass, metals, plastics, leaves, rubber, painted materials or demolition waste.
- E. Processed wood (or lumber); including pressure-treated wood, drywall and insulation, or other construction debris.

#### Section-8. Enforcement.

This chapter shall be enforced by the Fire Marshal, Open Burning Official and/or Police Department.

#### Section-9. Penalties for offenses.

Any person who kindles or directs another person to kindle a fire in the open air without proper authorization or otherwise violates this Ordinance shall be subject to a fine not to exceed two hundred dollars or be imprisoned for not more than six months, or both, pursuant to Conn. Gen. Stat. § 23-48.

Any person who violates any provision of this Ordinance shall be subject to a municipal fine of \$100 for a first offense; and not more than \$200 for any repeat offense(s). No Certificate shall be issued to any person in whose name unpaid fines are outstanding.

Penalties may be appealed in writing to the Board of Selectmen. Appeals must be received in the Office of the First Selectmen within 30 days of the date of issuance. Failure to appeal within a timely fashion results in an automatic mandatory denial of the appeal.

Ordinance approved at Special Town Meeting December 6, 2022