

Open Burning Ordinance 15-8

Section 1: Definitions: As used in this ordinance, the following words or phrases shall have the meaning ascribed to them in this section.

Ambient Air Space shall mean the unconfined space occupied by the atmosphere above the geographical region of Columbia.

Brush shall mean shrubs, vegetation or prunings, the diameter of which is not greater than three (3) inches at the widest point.

Building shall mean 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 shall mean the Commissioner of the State of Connecticut Department of Environmental Protection.

Nuisance shall refer to the discharge into the open air of any smoke, soot, dust, fumes, odors or other emissions which cause injury, detriment or annoyance or which endanger the comfort, repose, health or safety of the public or which cause, or are likely to cause, injury or damage to business or property.

Open Burning shall mean any burning outside the confines of a building.

Open Burning Official shall mean the Open Burning Official(s) as appointed by the First Selectman.

Section 2: Requirement of open burning certificates

(a) Except as specified in Section 3(a), no person shall set, cause or permit an open fire without obtaining an open burning certificate from the Open Burning Official(s) or the Commissioner or their respective designee.

(b) An application for an open burning certificate for any fire described in Section 3(b) shall be made on forms furnished by the Open Burning Official(s). For an application to be considered complete, it shall contain an explanation as to the purpose of the proposed burn, the nature and quantity of material proposed to be burned, and any other information as requested by the Open Burning Official(s).

(c) A certificate issued under this section shall be applicable only for the occasion(s) or the purpose(s) for which it has been issued by the Open Burning Official(s).

Section 3: Exceptions and applications

(a) Certificates shall not be required for the following types of fires:

- (1) Barbecues or other outdoor open fires for the cooking of food for human consumption.
- (2) Bonfires or other fires for recreational or ceremonial purposes, provided that the size of such fires do not exceed three (3) feet in any dimension. If the dimensions of such fires do exceed said constraints, verbal permission must be secured from the open burning official or his/her designee. Furthermore, all such fires must have the permission of the property owner.
- (3) Fires for training fire fighters in the fire fighting methods provided that only liquid fuels are burned.
- (4) Fires in portable forced-air or convection heaters, used in ventilated areas for worksite comfort by construction workers, or fires essential to street installation or paving activities, the repairing of utilities or other similar work.

(b) Certificates are required and may be issued by the Open Burning Official or his/her designees for:

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

(c) Fires for any other of the following types of open burnings must be approved by the Commissioner as set forth in Section 22a-174-17(b)(3) of the Department of Environmental Protection regulations:

- (1) Fires for the disposal of dangerous material such as toxic gases, where there is no reasonable alternative.
- (2) Fires to thwart a hazard which cannot properly be managed by any other means or is necessary for the protection of public health.
- (3) Fires in salt water marshes.
- (4) Fire-training exercises, other than those stated in Section 3(a)(3) of this ordinance. In reviewing any application for such a certificate, the provisions of Section 4(d) of this ordinance shall not be applied.
- (5) Any other fires not specified in Section 3(b) of this ordinance.

Section 4: Denial of certificates.

Open Burning Official shall deny issuance of an open burning certificate requested under Section 3(b) when he/she determines one or more of the following:

- (a) A hazardous health condition may be created by such burning.
- (b) The fire constitutes a salvage operation.
- (c) A practical and alternative method for the disposal of the material to be burned exists, including but not limited to the following techniques: chipping, cutting for forest products, land filling, piling for protective cover for wildlife and stockpiling.

- (d) Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard.
- (e) The forest fire danger, as determined by the state forest fire warden, is high or extreme, unless specific approval to conduct open burning during high or extreme hazard days has been granted, or where woodland and grassland is within one hundred feet of the proposed burning.
- (f) The Commissioner has issued an advisory of an air pollution emergency episode stage pursuant to Section 22a-174-6 of the Department of Environmental Protection regulations.
- (g) Garbage, paper, grass, metals, plastics, leaves, brush, rubber, painted materials or demolition waste is to be burned.

Section 5: 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:

- (a) Only materials and quantities specified on the certificate may be burned.
- (b) The Open Burning Official shall specify on any permit the hours and days during which open burning is allowed.
- (c) Except for fire training exercises, burning shall only be permitted on sunny or partly sunny days when wind speed is between five (5) and fifteen (15) miles per hour.
- (d) A copy of the certificate shall be kept in the possession of the applicant at the burning site at all times during said burning. The applicant shall call the Fire Department on the specific day that the open burning is to be conducted, prior to any burning, to determine the degree of fire hazard and to notify the Fire Department that the open burning will be conducted at the specific location. The name and phone number of the applicant and the hours of the burning shall also be include.
- (e) The Open Burning Official may revoke, in writing, any certificate or add any reasonable, specifically identified conditions if circumstances indicate that air pollution standards will be violated.

Section 6: Penalties and Fines.

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

Persons failing to comply with the requirement of this ordinance shall be in violation of this ordinance and shall be subject to the penalties and fines outline therein, and further provided that the fines for said violations shall be as follows:

- (a) \$200 for each separate violation and each day of continued violation.
- (b) The Open Burning Official may, when appropriate, seek enforcement of the provisions of this ordinance by injunction and, in such event, the violator shall pay, as damages, reasonable attorneys' fee in prosecuting said action.

(c) In addition, any person who violates any provision of the Connecticut Department of Environmental Protections regulations may be subject to the penalties prescribed in Connecticut General Statutes Section 22a-175.

Section 7: Effective Date.

This ordinance shall be effective twenty-one (21) days after publication in a newspaper having circulation in the Town of Columbia.

Notes:

- On October 19, 2010, the Board of Selectmen held a Public Hearing on the then proposed Ordinance.
- On December 7, 2010, the Board of Selectmen adopted this ordinance.
- On December 13, 2010, this Ordinance was assigned a serial number of 15-8.
- On December 13, 2010, copies of this Ordinance were made available in the Office of the Town Clerk for public view and distribution.
- On December 14, 2010, this Ordinance was published in full in the Willimantic Chronicle.
- On January 4, 2011, this Ordinance is effective.