

ARTICLE IV. MUNICIPAL OPEN BURNING REQUIREMENTS

Sec. 7-12. Definitions.

Sec. 7-13. Open burning.

Sec. 712. Definitions.

For the purposes of this Section on "open burning", the following definitions shall apply:

(a) Air contaminants shall mean dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances or any combination thereof.

(b) Emission shall mean a release of air contaminants.

(c) Fuel shall mean any form of combustible matter, solid, liquid or gas used to produce heat, light, or power by burning, but excluding refuse. Fuel includes, but is not limited to, coal, coke, charcoal, natural gas, propane, gas, fuel oil and wood.

(d) Open burning shall mean any burning that takes place other than in heating systems, cooking systems, candles or lamps, welding equipment, or burning authorized by specific permit.

(e) Refuse shall mean all solid or liquid wastes, including, but not limited to, animal and vegetable wastes resulting from the handling, preparation, cooking and consumption of food; street cleanings; dead animals; abandoned automobiles; solid market and industrial wastes; paper; cardboard; tin cans; glass; bedding; crockery; plywood composite materials; dimensional lumber; pressure-treated materials; and other building materials.

(Ord. of 5-14-13; Ord. of 4-14-20; Ord. of 5-25-21)

Sec. 713. Open burning.

(a) No refuse, grass, leaves, or downed trees shall be burned.

(b) All open burning shall be extinguished when not attended to.

(c) No open burning shall occur within a fully enclosed structure.

(d) The Fire Chief, or their designee may order any open burn to be extinguished if the FC judges the fire or the conditions under which the burning occurs is a threat to public safety or property.

(e) All open burning shall require a permit obtainable at the fire department except as herein specifically excluded:

(1) The burning of fuels for cooking purposes;

(2) Barbecue pits less than thirty (30) inches in diameter; or

(3) Campfires and bonfires less than thirty (30) inches in diameter.

(f) At the discretion of the FC, a permit may be issued for special occasions allowing bonfires greater than thirty (30) inches in diameter.

(g) Open burning permits and fees. A specific permit may be granted by the FC or duly appointed designee to engage in open burning in accordance with the following:

(1) No hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to public safety and health. Permits shall be for specified days, specified location, and for a specified material. The hours within which said burning may take place may be specified on the permit.

(2) Open burning of leafless brush four (4) inches or less in diameter shall be permitted if the outermost edge of the burning site is:

a. At least one hundred fifty (150) feet or more from the closest dwelling located in the vicinity of, but not including, the permit holder's dwelling during the months of January and February.

b. At least (300) feet or more from the nearest dwelling located in the vicinity of, but not including, the permit holder's dwelling during the remainder of the year.

All distances shall be measured from the outermost edge of the burning site in a straight line to the nearest point on the closest dwelling. The minimum distances imposed in subsections (g)(2)a. and (g)(2)b. shall not limit the FC from imposing greater distances between the site and any structure as a permit condition under subsection (g)(1).

(h) A violation of this Section shall constitute a civil ordinance violation as described in Sections 76 (Appeals) and 77 (Penalty for Violations) of this Ordinance. In addition to the procedures contained in Sections 7-6 and 7-7, the following shall apply to any civil violation under this Section:

(1) Any person who violates a provision of this Section 713 shall be subject to fees as described in subsection (h)(2). The FC or Law Enforcement Officers shall be authorized to act as Issuing Municipal Officials to issue a Municipal Complaint under this Section 7-14.

(2) Fee schedule:

a. First offense: Two hundred dollars (\$200.00) plus Fire Department expense up to five hundred dollars (\$500.00). The waiver fee shall be one hundred dollars (\$100.00) for the first offense.

b. Second offense: Four hundred dollars (\$400.00) plus Fire Department expense up to five hundred dollars (\$500.00). The waiver fee shall be two hundred dollars (\$200.00) for the second offense.

c. Third offense: Eight hundred dollars (\$800.00) plus Fire Department expense up to five hundred dollars (\$500.00). The waiver fee shall be four hundred dollars (\$400.00) for the third offense.

d. Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to any other Court of Competent Jurisdiction.

(3) Offenses shall be counted on a calendar year basis.

(4) In addition to the enforcement procedures available before the Judicial Bureau as described in subsection 77(a), the Town Manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

(i) The Town will, directly or through a regional group of which the Town is a member, establish drop-off areas for residents of Colchester to bring leaves for disposal in the Autumn and Spring seasons.

(Ord. of 5-14-13; Ord. of 11-13-18; Ord. of 4-15-20; Ord. of 5-25-21)