

ORDINANCE TO REGULATE OPEN FIRES

The Select Board of the Town of Westford hereby ordain:

1. Prohibition of Open Fires

- A. No person shall build an open fire, as such term is defined in this ordinance, or permit an open fire to remain burning at any time in the Town of Westford without obtaining a written permit from the Town Forest Fire Warden, in accordance with Title 10 V.S.A., Ch. 83 Section 2641.
- B. At the discretion of the Warden, open fires may be prohibited:
 1. Within 100 feet of any structure;
 2. Within any developed residential area of the Town where residential development has occurred at or above a density of one unit per 40,000 square feet.
- C. A Town Deputy Forest Fire Warden, appointed in accordance with Title 10 V.S.A., Section 2641, may, when so directed by the Town Forest Fire Warden, take any action the Town Forest Fire Warden is authorized to take under this ordinance.

2. Definition of Open Fires

- A. A fire which is not contained in a receptacle or structure specifically designed to contain the fire and prevent its spread outside the receptacle or structure. The receptacle or structure must be designed and located such that heat from the fire is precluded from starting a fire outside the receptacle or structure.

3. Permit to Kindle Fire

- A. The Warden shall promptly approve, disapprove, or approve with conditions any request for a permit under this ordinance and shall provide such decision in writing to the applicant.
- B. When considering an application for a permit under this ordinance, the Warden shall take into consideration:
 1. Potential risk of injury or damage to persons or property;
 2. Potential nuisance, pollution and health problems created by smoke, ash or fumes;
 3. Climate and weather conditions that could impact open fire; and,
 4. Precautions proposed by the applicant to prevent injury to other persons or property and the spread of the fire to surrounding areas.

4. Fire Department Training

Nothing contained herein shall prevent the Fire Department from conducting drills and training. When such drills or training involve the burning of structures or fields, adjoining property owners shall be notified at least 48 hours in advance of such drill or training.

5. Appeals

Any decision of the Warden under this ordinance shall be reviewable, upon written request, by the Select Board. The Select Board shall respond to any such request for review within 60 days of the date of its receipt of said request.

6. Penalties

A. Any person who violates the provisions of this ordinance will be given a written notification and may be subject to fines as follows:

1st Violation: Maximum \$100.00 Fine

2nd Violation: Maximum \$250.00 Fine

3rd Violation: Maximum \$500.00 Fine

Each violation shall constitute a separate offense, and the length of time following such violation during which any other such violation shall be considered successive shall be three years.

B. In addition to the recovery of fines provided for above, the town may seek to enforce this ordinance by an appropriate action for injunctive relief, and in addition the Town may seek recovery of any legal costs incurred in seeking such relief.

7. Enforcement

A. The Warden shall be responsible for all fire-site inspections and notification to offenders. The Warden shall report each violation of this ordinance to the Select Board.

B. The enforcement of this ordinance shall be the responsibility of the Select Board of the Town of Westford.

Adopted this 22nd day of April 1996.

William Leach, Chair
Francis Howrigan
Arthur Menut II
Selectboard of Westford

Received for Record April 23, 1996 at 8:30 a.m.

Attest: Frena Phillips, Town Clerk