

**TOWN OF WESTFORD
OUTDOOR FIRE SAFETY ORDINANCE**

SECTION 1. AUTHORITY

This ordinance is adopted by the Selectboard of the Town of Westford under authority of 24 V.S.A. §§ 2291(14), (15), and 24 V.S.A. Chapter 59, and shall supersede and replace all other ordinances of the Town with respect to the herein contained subject matter.

This ordinance is a civil ordinance and shall be enforced by the Town in the Vermont Judicial Bureau in accordance with 24 V.S.A. § 1974a et seq., except where otherwise indicated.

SECTION 2. PURPOSE

The purpose of this ordinance is to protect the public health, safety, and welfare through the regulation of nuisances related to outdoor fires and burning in the Town of Westford.

SECTION 3. PERMITS REQUIRED; FIRES PROHIBITED

- A. No person shall build or kindle an outdoor fire, whether open or contained in an incinerator, burn barrel, fireplace, chiminea, or other receptacle or container, or permit the same to remain burning at any time, without first obtaining a written permit from the Town of Westford Forest Fire Warden, and upon the terms and conditions imposed by such permit. Requests for permits to kindle an open burn for purposes of conducting a brush fire shall be subject to the requirements of 10 V.S.A. § 2645 and the enforcement provisions of 10 V.S.A. § 2671 et seq.
- B. Persons obtaining a permit under Section 3.A. of this ordinance are required to observe all federal and state statutes, rules, and regulations pertaining to fires, fire safety, and air pollution control.
- C. No permit of any kind will be issued during severe weather conditions, such as prolonged drought, high winds (12 mph or more) and red flag warnings or burn bans issued by the State.
- D. Under no circumstances will a permit be issued for the burning or incineration of the following materials:
 - i. Wood, brush, weeds or grass that have been altered in any way, including but not limited to, surface applications or injection of paints, stains, preservatives, oils, glues or pesticides;
 - ii. Construction debris, tires, copper wire, household garbage, pallets, pressure treated lumber, plywood, furniture, books, magazines, newspapers, roofing shingles, insulation, household fixtures and any other material that does not conform with the definition of natural wood, brush, weeds or grass.

SECTION 4. ENFORCEMENT

Any violation of this ordinance shall be a civil matter which may be enforced in the Vermont Judicial Bureau, except where otherwise indicated.

Violations enforced shall be in accordance with the provisions of 24 V.S.A. §§1974a and 1977 et seq. For purposes of enforcement in the Judicial Bureau, the Town's Forest Fire Warden, a Selectboard member, a Law Enforcement officer or a duly authorized designee of the Selectboard shall be the designated enforcement officer(s).

SECTION 5. PENALTIES AND COSTS

- 1. First offense Written warning
- 2. Second offense \$100.00 full penalty/\$50.00 waiver penalty.
- 3. Third offense \$250.00 full penalty/\$125.00 waiver penalty.
- 4. Fourth & subsequence offenses \$500.00 full penalty/\$300.00 waiver penalty.

Upon the fourth or subsequent offense, the Town of Westford reserves the right to request that the case be transferred from the Judicial Bureau to any other court of competent jurisdiction.

In addition to the penalties and costs above, a person who builds or kindles an outdoor fire without first obtaining a permit under Section 3.A, or who burns or incinerates prohibited materials under Section 3.D of this ordinance, will be required to pay for the cost to suppress a fire if the Fire Department is called to extinguish the fire for any reason.

SECTION 6. SEVERABILITY

If any section of this ordinance is held by a court of competent jurisdiction to be invalid, such finding shall not invalidate any other part of this ordinance.

SECTION 7. EFFECTIVE DATE

This ordinance shall become effective 60 days after its adoption by the Westford Selectboard. If a petition is filed under 24 V.S.A. §1973, that statute shall govern the taking effect of this ordinance.

Adopted this _____ day of _____ 2018. Effective date: _____

WESTFORD SELECTBOARD

Allison Hope, Chair

Received for Record
_____, 2018 at _____

Julia Andrews

Attest: _____
Nanette Rogers, Town Clerk

Grant Thomas