

TOWN OF WESTFORD
OUTDOOR FIRE SAFETY ORDINANCE TO REGULATE OPEN BURNING
Draft #1

SECTION 1. AUTHORITY

This ordinance is adopted by the Selectboard of the Town of Westford under authority of 24 V.S.A. §§~~1971-1976 and~~ 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

~~It is the purpose of this ordinance to prohibit the kindling of a fire in the open air without first obtaining a permit~~ 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; PROHIBITION OF OPEN BURNING FIRES PROHIBITED

~~A person shall not kindle a fire in the open air for the purpose of burning natural wood, brush, weeds or grass without first obtaining a burn permit from the Town Fire Warden (10 V.S.A. §2645) or a duly appointed designee.~~

- A. No person shall build or kindle an open air outdoor fire in a fireplace, chimnea, or outdoor fire pit with a diameter of greater than 30", 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;
 - 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. DEFINITION OF OPEN BURNING~~

~~Open burning includes, but is not limited to, field burning, burning of brush, bonfires and campfires.~~

~~SECTION 5. PERMIT FOR OPEN BURN~~

~~A permit is required for all burns, including but not limited to, field burning, brush piles, bonfires and campfires. Permits are issued by the Town Fire Warden or a duly appointed designee. Applicants may also obtain an online permit from the Town's website. Permits will not 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.~~

~~SECTION 6. CONDITIONS OF BURN PERMITS~~

- ~~1. — A permit is required at all times of the year including throughout the winter/snow season.~~
- ~~2. — The permit must be on your person in the event the Fire Warden, a Law Enforcement Officer, or a member of a fire department asks to see your permit.~~
- ~~3. — The open burn must take place on the day the permit is issued and at the address on the permit, and must include the resident owner's name and telephone number.~~
- ~~4. — The permittee shall only burn natural wood, brush, weeds or grass providing they have not been altered in any way.~~
- ~~5. — The permittee is responsible for monitoring weather conditions during the open burn. If the Fire Warden closes the permit system due to weather conditions, such as strong winds, the permittee shall extinguish the fire immediately.~~
- ~~6. — Open burns should be at least 50 feet from any structure or property line. Distance shall be measured in a straight line from the outermost edge of the burning site.~~
- ~~7. — The permittee is totally liable for any damages to their own property, or their neighbor's property, should any occur as a result of the open burn.~~
- ~~8. — The permittee shall take into consideration the proximity of their neighbors, and extinguish an open burn immediately if the burn disturbs the neighbors (e.g. smoke).~~
- ~~9. — The permittee shall have sufficient tools, such as water hoses, shovels and rakes, nearby to extinguish the open burn if necessary. In the event the open burn gets out of control, the permittee must call 911 immediately.~~
- ~~10. — The permittee shall not leave the open burn unattended or allow the burn to burn out or smolder overnight.~~
- ~~11. — The permittee shall use water to drench the open burn and rake the remains to insure the burn is completely out. Any other method of extinguishing the burn is not acceptable (e.g. dirt, sand).~~
- ~~12. — No hazardous condition will be created by an open burn, and the emission of air contaminants will not create a danger to public safety and health.~~

~~SECTION 7. VIOLATIONS~~

~~A person is in violation of this ordinance and State Statute if the person:~~

- ~~1. Knowingly burns without a permit.~~
- ~~2. Leaves an open burn unattended or left burning or smoldering overnight.~~
- ~~3. Burns 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.~~
- ~~4. Burns 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.~~
- ~~5. Uses any kind of accelerant, including but not limited to, gasoline, motor oil, kerosene, cardboard, paper, to start or maintain an open burn.~~
- ~~6. Uses a burn barrel.~~

~~ii.~~

SECTION 84. 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 75. 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.

For purposes of determining the sequence of offenses, any subsequent offense shall be those that occur within the 12-month period of the anniversary date of the first offense. Any offense occurring after this 12-month period shall be considered a new first offense.

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~~ court of ~~Competent~~ competent Jurisdiction ~~jurisdiction.~~

In addition to the above penalties and costs above, the property owner 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 8. OTHER LAWS~~

~~This ordinance is in addition to all other ordinances of the Town of Westford and all applicable laws of the State of Vermont. All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.~~

SECTION 126. 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 713. 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 _____, 20197. Effective date:

WESTFORD SELECTBOARD

~~Casey Mathieu~~Allison Hope, Chair

~~David A. Tilton~~Julia Andrews

~~Allison H.B. Weinhagen~~Grant Thomas

Received for Record

_____, 20197 at _____

Attest: _____
Nanette Rogers, Town Clerk

Adoption History

1. Agenda item at regular selectboard meeting held on .
2. Read and approved at regular selectboard meeting on _____ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on _____.

4. Notice of adoption published in Seven Days on _____ with a notice of the right to petition.
5. Other actions [petitions, etc.]