

ORDINANCE #33

ORDINANCE CONCERNING "OPEN BURNING"

SECTION I

As used in this Ordinance, "Open Burning" is burning done under such conditions that the products of combustion are emitted directly into the ambient air space. "Open Burning" shall include burning done in simple outdoor structures, receptacles or other devices which are designed principally to contain the materials being burned or to minimize the risk of fire and which do not provide effective control of the air pollutants generated.

SECTION II

No person shall initiate open burning in any public or private area outside any building without first acquiring a permit from the Fire Marshal. A permit shall be applicable only for the occasion or circumstances, as the case may be, for which the application is approved; a new permit shall be required for all contemplated open burning not sanctioned by an existing permit. Permits can be issued no earlier than twenty-four (24) hours prior to the effective permit hours. Permits may be revoked by the Fire Marshal or the State Forest Fire Warden, because of the following: (1) high air pollution potential, as noted below; (2) the creation of a nuisance or hazard by the open burning in question; and (3) a high extreme forest fire danger. Open burning initiated in violation of this ordinance shall be promptly extinguished by the individual or individuals responsible for the same upon notice from the Fire Marshal.

SECTION III

Open Burning Permits shall not be issued if the Fire Marshal determines that:

1. A practical alternative method is available for the disposal of the material to be burned;
2. A hazardous health condition might be created by such burning;
3. A salvage operation by open burning would be conducted;
4. The purpose of the burning would be to dispose of automobiles and accessories, scrap and waste materials derived from automobile salvage;

5. Garbage, paper, grass, metals, plastics, leaves, rubber, painted materials or demolition materials is to be burned;
6. An advisory of an air pollution emergency episode is in effect pursuant to Section 22a-174-6 of the Regulations of Connecticut State Agencies;
7. Such open burning would interfere with or prevent the attainment or maintenance of a relevant air quality standard;
8. The forest fire danger, as determined by the State Forest Fire Warden, is high or extreme and the area of the proposed burning is within one hundred (100) feet of a woodland or grassland;
9. Burning is being conducted within a Town right-of-way.

SECTION IV

Open burning may be conducted under the following circumstances without first acquiring a permit as required by Section II, except as noted:

1. To abate an immediate fire hazard provided that the abatement fire is supervised by a responsible fire official;
2. The cooking of food, providing no smoke violation or other nuisance is created;
3. Construction purposed, such as open burning in salamanders or other devices used by the workers for heating purposes and small fires kindled by contractors essential to street installation or paving activities, the repairing of utilities, or other similar work, providing no smoke violation or other nuisance is created;
4. Campfires.

SECTION V

Permits will be required for the following, among other things:

1. The burning of brush of up to three inches in diameter in the absence of municipal collection, provided that the burning is restricted to the property where the permittee resides or a municipal landfill, transfer station or recycling center as provided under the Connecticut General Statutes;
2. Recreation burning other than campfires.

SECTION VI

Any person who violates any of the provisions of this ordinance shall be fined not more than one hundred (\$100) dollars or imprisoned not more than three (3) months, or both.

SECTION VII

FEE SCHEDULE

The fee for any open burning permit, as described in Section I, is \$25.00 per permit. No permit shall be issued until the permit fee of \$25.00 has been paid to the Town of Avon.

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