

Chapter 5 – FIRE PREVENTION AND PROTECTION

ARTICLE 1. – IN GENERAL

ARTICLE 2. – VOLUNTEER FIREMEN

ARTICLE 3. – FIRE ZONES

ARTICLE 4. – FIRE SUPPRESSION WATER TANKS (ENDS WITH SECTION 5-53. ADD 5-54 THROUGH 5-59 AS RESERVED)

ARTICLE 5. – OPEN BURNING

5-60. – Purpose and Definitions.

The Town of Southbury Encourages individuals to dispose of materials in the most practical and environmentally responsible manner, and in such a way that protects the health, safety, and general welfare of the Town's residents. This same principle applies to those items that qualify for open burning as regulated by the Connecticut general statutes.

For the purposes of this article, the words and phrases defined in the sections hereunder shall have the meanings therein ascribed to them.

AMBIENT AIR SPACE

-The unconfined space occupied by the atmosphere above the geographical region of Southbury.

BRUSH

-Shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point.

BUILDING

-Any structure which is enclosed by a roof and walls and is used for any occupancy such as a dwelling, place of assembly, business, etc. Including Tents and membrane structures.

CEREMONIAL BURNING

-The open burning of materials such as flags, for the purpose of disposing of said material that is fit and proper. Ceremonial burning must be approved by the Fire Marshal.

CLEAN WOOD

-Natural wood which has not been painted, varnished, stained or coated with a similar material; has not been pressure treated with preservatives; and does not contain resins or glues as in plywood or other composite wood products.

COMMISSIONER

-The Commissioner of the Connecticut Department of Energy and Environmental Protection.

CONSTRUCTION AND DEMOLITION WASTE

-Building materials, including but not limited to waste shingles, insulation, lumber, treated wood, painted wood, wiring, plastics, packaging, and rubble that results from construction, remodeling, repair, and demolition of a house, commercial or industrial building, or other structure.

GRILL, BARBECUE, OUTDOOR FIREPLACE, OR APPROVED APPLIANCE

-Any metal or masonry structure, or pre-manufactured appliance used for outdoor cooking or recreational fire.

NUISANCE

-The discharge into the open air of any smoke, soot, fumes, odors or other emissions which cause injury, detriment or which endanger the health or safety of the public or which cause, or are likely to cause, injury or damage to life, business or property.

OPEN BURNING

- The burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the ambient air without passing through an adequate stack or flue. Definition from Connecticut General Statutes 22a-174-1(59).

OPEN BURNING OFFICIAL

- Any person designated by the Town of Southbury under Connecticut General Statutes to enforce Connecticut open burning regulations, this article and any applicable regulations.

OPEN BURNING PERMIT

-Paper or electronic form to document the approval of open burning that has been designated by the State of Connecticut or Town of Southbury to serve as the approval.

PROHIBITED MATERIALS

-Garbage, paper, grass, leaves, metals, plastics, flammable/combustible liquids, chemically treated wood, rubber, painted/stained materials, or construction and demolition waste.

RECREATIONAL FIRE

-An outside fire not greater than 60 inches in any dimension created for the purpose of experiencing the outside natural environment, for the human consumption of beverages or food and the cooking or smoking of food for human consumption fueled by combustible materials excluding prohibited materials.

5-61. – Exceptions and applications

This article shall not supersede Connecticut regulations that apply to open burning, outside wood-furnaces or emissions from chimneys from buildings and/or structures.

A) Permits shall not be required for the following types of fires:

- 1) Barbecues or other outdoor open fires for the cooking of food for human consumption, provided that no other nuisance is created.

- 2) Campfires or other fires for recreational or ceremonial purposes, provided that the size of such fire does not exceed 60 inches in any dimension and further provided that no prohibited materials are included, provided that no other nuisance is created. If the dimensions of such fire do exceed said limits, an open burning permit shall be required per section 5.61(B).
 - 3) The use of propane, acetylene or natural gas in a UL listed appliance intended for temporary heating during construction/maintenance activities.
 - 4) The use of outdoor fireplaces, or approved appliances that are designed, manufactured, installed, and approved for such use.
- B) Permits are required and may be issued by the open burning official for:
- 1) Fires for the prevention, control and destruction of diseases and pests, and agricultural burning for vegetation management.
 - 2) Fires for fire training exercises.
 - 3) Open burning of brush on residential properties.
 - 4) Any fire on town property except as contained in barbecues for the cooking of food for human consumption.
 - 5) Any open burning where the area of the fire is greater than 60 inches in any dimension.
- C) This shall not be construed to render the Town and/or any of its officers, employees and its officials liable for any damage to any person or property by reason of the issuance of any open burning permit.

5-62. – OPEN BURNING PERMITS REQUIRED AND APPLICATION

- A) Except as specified in section 5-61, no person shall set, cause, or permit an open burn without obtaining an open burning permit from the open burning official.
- B) An application for an open burning permit for any fire described in section 5-61(B) shall be made on the forms (electronic) furnished by the open burning official, and each applicant shall explain the purpose of the fire, the nature and quantity of materials to be burned, and any other information the open burning official considers necessary.
- C) An open burning permit issued under this section shall be applicable only for the occasion or the purpose for which it has been obtained.

5-63. - DENIAL OF PERMITS

The open burning official may not issue an open burning permit requested under this article when the open burning official determines that:

- (a) A hazardous public health condition will be created by such burning; or
- (b) The fire constitutes a salvage operation by open burning; or
- (c) A practical and alternative method for the disposal of the materials to be burned exists, including but not limited to, the following techniques: chipping, cutting for forest products, land filling, piling for protective cover for wildlife and stockpiling; or
- (d) Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard; or
- (e) The forest fire danger, as determined by the State Forest Fire Warden, is high or extreme, and the area is within 100 feet of a woodland, or grassland; or

- (f) The Commissioner has issued an advisory of an air pollution emergency episode state pursuant to Section 22a-174-6 of the General Statutes, as amended; or
- (g) Prohibited materials are to be burned; or
- (h) Applicants have had a permit revoked.

5-64. – Conditions on open burning requiring permit.

Approval for open burning shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect health, safety, and comfort of the public, including but not limited to the following:

- (a) All fires requiring open burning permits must have the written permission of the property owner.
- (b) The permit shall be valid only during the dates and times specified in the permit when all conditions of the permit are met (fire danger, forecasted wind speed, weather, and air quality).
- (c) Only materials and quantities specified on the open burning permit may be burned.
- (d) The open burning official may specify on any open burning permits the hours and days during which open burning is allowed.
- (e) A copy of the open burning permit shall be kept in the possession of the applicant at the burning site at all times during said burning. The applicant must follow any special notification and contact instructions as may be specified on open burning permit.
- (f) Sufficient tools and equipment necessary to extinguish any open burning must be present and readily available, and a person, physically capable of using those tools and equipment, must be present and in control of said open burning.
- (g) The open burning official may revoke, in writing, any permit or add any reasonable, specifically identified, conditions if circumstances indicate that in the open burning official's discretion and judgment air pollution standards will be violated.
- (h) Upon notification to a person conducting open burning that the open burning official or fire officer of the Southbury Volunteer Firemen's Association has determined the open burning to be a nuisance, the open burning shall be immediately extinguished.
- (i) No open fire, as defined herein, shall be ignited within 15 feet of any building, structure or accumulation of combustible material.
- (j) Prior to burning, the applicant shall call the number provided on the permit on the day of the intended burn to confirm if it is an approved open burning day.

5-65. - Penalties for offenses.

- (a) Persons failing to comply with the requirements of this article shall be in violation of this article and shall be subject to the penalties and fines outlined herein, and further provided that the fines for said violations shall be as follows:

(1) First offense or violation: notification.

(2) Second offense or violation: Fee for each separate violation and each day of continued violation. Fees to be establish in the Fire Marshal's Fee Schedule.

(b) The open burning official may, when appropriate, seek enforcement of the provisions of this article by injunction and, in such event, the violator shall pay, as damages, a reasonable attorney's fee incurred in the prosecuting of said action.

(c) Notwithstanding the foregoing, the Commissioner and/or the open burning official reserve the right to seek the penalties set forth in the General Statutes.

(d) The provisions in this article shall be in addition to the existing municipal ordinances dealing with housing and/or public health, and shall not limit the provisions or enforcement of other local, state, or federal codes, regulations, ordinances, and/or statutes as they apply.