

Original

TOWN OF WEST RUTLAND

FIRE ORDINANCE

Section 1 PURPOSE, AUTHORIZATION AND DEFINITIONS

101 This ordinance is enacted in pursuant to the State of Vermont Agency of Natural Resources Environmental Protection Regulations and V.S.A. Title 10 to control open burning in the Town of West Rutland.

102 Definitions:

- (1) "Forest Land Area"-- means at least 25 acres of land that is at least 10% stocked with trees of and any size.
- (2) "Garbage"-- waste resulting from distribution, preparing and serving of food.
- (3) "Natural Wood"-- means trees, including logs, boles, trunks, branches limbs, and stumps, lumber including timber; logs or slabs, especially when dressed for use; pallets so long as such pallets are not chemically treated with any preservative, paint, or oil. This definition shall not extend to other wood products such as sawdust, plywood, particle board and press board.
- (4) "Open Burning" -- the burning of any type of combustible material in the open where the products of combustion are emitted directly into the ambient air space without passing through a stack, chimney, or other enclosure. Burning shall include ignition, permitting or causing ignition and suffering, allowing or maintaining burning.
- (5) "Person" -- is defined as a natural person, corporation, partnership or any other legal entity.

Section 2 OPEN BURNING PROHIBITIONS

201

- (1) No person shall engage in any open burning except in conformity with the provisions of this ordinance.
- (2) No person shall cause, suffer, allow or permit the open burning of garbage, tires, rubber, plastics, waste oil, asphalt materials, materials containing asbestos, or pressure treated wood, except as may be allowed under subsections (3) and (7) of Section 202.

- (3) After dark burning is prohibited unless a special permit is issued. After dark fires can be special situations under strict written provisions determined by the warden after inspection of the burn site. A written permit must be on the person responsible for the fire.

In the case of large fires, such as a lot clearing, an attendant must be stationed at the site until the fire is completely burned out or extinguished.

## 202 PERMISSIBLE OPEN BURNING

PERMIT REQUIRED -- No open burning of any kind shall be ignited without a permit from the West Rutland Fire Warden or Deputy Fire Warden.

The following types of burning are permissible, provided no public or private nuisance is created, and an open burn permit has been issued:

- (1) Natural wood fires in conjunction with holiday and festive celebrations.
- (2) Burning of solid or liquid fuels or structures for the purpose of bona fide instruction and training of municipal, volunteer, and industrial firefighter's in the methods of fighting fires when conducted under the direct control and supervision of qualified instructors. Said firefighter's shall be residents of the State of Vermont. Notification by the fire training officer or the fire chief of the training exercise shall be made to the State of Vermont Air Pollution Control Officer on prescribed forms at least 14 days prior to the exercise.
- (3) Burning in forest land areas of brush, tree cuttings and slash where the cuttings accrue from logging or site clearing operations.
- (4) Burning for the purpose of weed abatement, disease, forest fire and pest prevention or control; and for the purpose of agricultural, forestry or wildlife habitat management.
- (5) On-premise burning of leaves, brush, deadwood or tree cuttings accrued from normal property maintenance by the owner, his or her agent, or lessee thereof.

## 203 TYPES OF OPEN BURNING

- (1) Approvals granted under this subsection shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety or comfort of the public. The requirement for approval in writing may be waived by the Air Pollution Control Officer and oral approval may be granted instead when, in his or her judgement, the impacts of the burning will be insignificant.
  - (a) Burning in remote areas of highly explosive or other dangerous, or unusual materials for which there is no other feasible method of disposal.
  - (b) Burning in remote areas of natural wood resulting from construction or demolition of buildings and other structures, originating from within the State.
  - (c) Fires to thwart a hazard which cannot be properly be managed by any other means or that are necessary for the protection of public health.
  - (d) Burning of other combustible materials for which there is no other feasible method of disposal.

### BURNING OF THESE MATERIALS PROHIBITED BY STATE AIR POLLUTION CONTROL DIVISION, WATERBURY, VERMONT

- \* tires
- \* inner tubes
- \* waste oil or solvents
- \* garbage
- \* asphalt shingles
- \* tar paper
- \* plastic or rubber coated wire
- \* toxic materials
- \* old cars or car parts
- \* plastic, rubber or other synthetic materials
- \* pressure treated wood

A permit cannot be issued for burning of any of the above materials even when being used to ignite the fire.

## Section 3 PENALTIES AND GENERAL PROVISIONS

301 As per VSA 1974(b) this ordinance is designated as a civil ordinance. A violation of any provision of this ordinance will be subject to the following fines:

First Offense - \$25.00

Second Offense within twelve months from the first offense- \$50.00

Third Offense within twelve months from the first and second offense - \$75.00

The waiver fee shall be one half (1/2) of the appropriate fine.

302 Any Vermont State Certified Law Enforcement Officer shall have the authority to issue tickets relating to this ordinance.

303 If any portion of this ordinance shall be declared void or unconstitutional under the laws or constitution of either the United States of America or the State of Vermont, by any court of competent jurisdiction, then the remaining portions shall remain in full force and effect.

Board of Selectmen

Chester Brown Jr.

Chester Brown, Jr.

Joseph Baker

Joseph Baker

Nicola L. Notte

Nicola Notte

Robert Kelley, Jr.

Robert Kelley, Jr.

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Paula Mumford

ADOPTED: September 25, 1995

**WEST RUTLAND TOWN CLERK'S OFFICE  
RECEIVED FOR RECORD**

3rd day of October A.D., 1995

At 9 O'Clock 48 Minutes A M

And Recorded in Town Meeting & Misc.

Book 5 Page 280

Attest: Jayne Pratt Town Clerk