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COMMITTEE REPORT
OPEN BURN ORDINANCE (RTC 12/04/23)
PUBLIC PROTECTION & SAFETY COMMITTEE OF THE RTM

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Feb. 20, 2024 Meeting: Brief initial discussion; Chair explained that concern for lack of enforcement options and potential risks of open burning was behind referral of the issue. Fire Marshal Dubicki to be invited to next meeting.

Aug. 14, 2024 Meeting: Review of Wallingford's open burn ordinances as example and possible starting point. Members had questions about the need for a new ordinance, types of open burning in town, fines and enforcement methods. Chair to schedule next meeting based on Fire Marshal's availability.

Aug. 29, 2024 Meeting: Fire Marshal Dubicki and Town Attorney Avena present. Dubicki explained that he has the authority to enforce fire regulations and issue burn permits, but an ordinance would enable him to cite individuals who do not comply with his extinguishment orders. Discussion on the current open burn process ensued. Avena will utilize comments from the committee and Fire Marshal to prepare first draft of new ordinance.

March 31, 2025 Meeting: Town Attorney Avena presented first draft of new Chapter 8.33 for review. Minor language changes requested; Chair to invite Fire Marshal to next meeting for review before move to public hearing.

June 30, 2025: Fire Marshal Dubicki and Town Attorney Avena present for review of second draft. Consensus to add cooking fires to list of open burns exempt from permits and add subsection giving Fire Marshal authority to enact a townwide burn ban under certain conditions.

July 21, 2025 Public Hearing: No members of the public; no comments. **Meeting:** Town Attorney Avena present. Discussion confirming that Attachment A - Policies for Open Burning in Waterford would be included within the ordinance and posted on town website and that Avena would prepare final draft for presentation to RTM and delivery to Municode to update online ordinances. Unanimous vote to report the issue out of committee with a recommendation that the RTM approve the new Chapter 8.33 in order to allow the Fire Marshall to issue an Open Burn Ban.

Submitted by
Tim Condon, PP&S Chair

encl: Chptr 8.33 Open Burning—Final Draft 7/21/25

NOTE: All meeting support documents available online in the RTM section of waterfordct.org/AgendaCenter

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Chapter 8.33 OPEN BURNING

- 8.33.010 Declaration of Policy.
- 8.33.020 Prohibition.
- 8.33.030 Open Burning Official; permit procedures.
- 8.33.040 Excluded open fires; required permits.
- 8.33.050 Standards for open burning permits.
- 8.33.060 Outdoor burn ban.
- 8.33.070 Violations and penalties.

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8.33.010 Declaration of Policy.

The Town Fire Marshal is increasingly concerned about safety and environmental impacts associated with the open burning of brush and other materials. To seek to ensure that the health and safety of its residents is safeguarded, the Representative Town Meeting (RTM), pursuant to the authority of Section 7-148 and Section 22a-174 of the Connecticut General Statutes, hereby enacts legislation prohibiting all open burning except as noted.

8.33.020 Prohibition.

Except as hereinafter provided, no person shall set, cause or permit an open fire within the limits of the Town of Waterford. As used herein, "person" means an individual, firm, partnership or corporation. As used herein, "open burning" means the burning of any matter in such manner that the products of combustion from the burning are emitted directly into the ambient air without passing through an adequate stack or flue. Open burning thus includes burning done in simple outdoor structures such as barrels and drums as well as on the ground surface.

8.33.030 Open Burning Official; permit procedures.

- A. The First Selectman shall appoint one or more Open Burning Officials of the Town of Waterford who shall be solely responsible for the issuance of permits for those open fires excluded from the prohibition of section 8.33.020 of this chapter.
- B. A permit application for any permitted open fire shall be made on forms furnished by the Open Burning Official. Each application shall describe the purposes of the fire, the

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nature and quantity of the materials to be burned and such other information as the Open Burning Official may require.

- C. A permit issued under this section shall be applicable only for the occasion or the purpose for which it was obtained.

8.33.040 Excluded open fires; required permits.

- A. A permit shall not be required for the following open fires:
- (1) Barbeques or other outdoor open fires for the purpose of cooking food for human consumption.
 - (2) Fires to abate an immediate fire hazard, provided that the abatement fire is supervised by a responsible fire official.
 - (3) Fires for training firefighters in methods of fighting fires as authorized by the Fire Marshal and/or Fire Chief.
 - (4) Fires in an outdoor fireplace (i.e., chimineas, patio hearths, fire rings). Outdoor fireplaces must be noncombustible and specifically designed to hold outdoor fires. Fires shall not exceed four feet in diameter and only untreated natural wood is permitted to be burned. Fires must be a minimum of 10 feet from any structure. Drums of any kind shall not be permitted.
 - (5) Fires in salamanders or other similar devices used by construction or other workers for heating purposes, which fires are essential to street installation or paving activities, the repairing of utilities, or other similar work.
- B. Permits shall be required for the following open fires:
- (1) Fires for the prevention, control, or destruction of diseases and pests, and agricultural burning for vegetation management.
 - (2) Campfires, bonfires or other fires for ceremonial or recreational purposes, including cooking fires, that do not meet the standards as defined in Subsection A(4) above.
- C. Permits are required for the following open fires and may only be issued by the Commissioner of the Department of Environmental Protection or his designee:
- (1) Fires for the disposal of dangerous material such as toxic gases where there is not a reasonable alternative method.
 - (2) Fires to thwart a hazard which cannot properly be managed by any other means or is necessary for the protection of public health.

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8.33.050 Standards for open burning permits.

The Open Burning Official shall not issue a permit when it is determined that:

- A. A hazardous health condition will be created by such burning;
- B. The fire constitutes a salvage operation by open burning;
- C. A practical and alternative method for the disposal of the material 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;
- D. Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard;
- 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;
- F. An advisory of an air pollution emergency episode state is in effect; or
- G. Garbage, paper, grass, metals, plastics, leaves, rubber, painted materials or demolition waste is to be burned.

8.33.060 Outdoor burn ban.

- A. Whenever the state DEEP issues an outdoor burning ban on state properties, the Town Fire Marshal is hereby authorized to issue a similar townwide ban.

8.33.070 Violations and penalties.

- A. The Fire Marshal, police officer, and any Fire Department officer having jurisdiction, after having been made aware of a particular open fire and having satisfied themselves as to the circumstances and applicable requirements, shall cause any fire not specifically permitted by this ordinance or any fire deemed a hazard or nuisance, to be immediately extinguished, and may summon the fire service to accomplish this extinguishment.
- B. Any person who violates this chapter shall be fined \$250.00. Each singular daily event shall be considered a separate violation.

(See Attachment A - Policies for Open Burning in Waterford)

Effective Date: This ordinance shall take effect 15 days after final action by the RTM.

ATTACHMENT A



Burn Permit

Purpose: To allow for open burning of brush only, on residential property

Brush is defined as shrubs, vegetation or prunings, the diameter of which is not greater than three inches at the widest point.

Non-processed wood is considered to be any untreated, natural wood up to and including rough cut lumber.

Processed wood is considered to be any wood that has been milled and/or planed and includes recycled wood, glued wood, treated wood, pallets, crates, and/or wood scraps from these types of materials.

Burn *only* clean, *non-processed* wood.

- Burning must cease if directed so by the Fire Marshal's Office or Officer of the Fire Department, any designated municipal official responsible for enforcing the open burning laws and ordinances, or any Official of the State Department of Energy and Environmental Protection.
- At no time during the burn should the fire be left unattended.
- At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.
- All reasonable safety precautions are to be taken, including the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.
- The Burn permit must be immediately available on site during the burn.

- Call Waterford Dispatch at (860)442-5331 before any burning is to take place and when its complete.
- Burning may only be conducted between the hours of 10:00 A.M. and 5:00 P.M. on a sunny or partly sunny day with the wind speed between five and fifteen miles per hour. The burn pile must be completely extinguished by 5:00 P.M. and all embers and coals must be extinguished and wetted.
- Burning may not create a nuisance to nearby properties if so, you can be directed by personnel listed above to extinguish it regardless of the permit.

Open burning is *not* allowed:

- to clear land prior to construction activities
- As a means to dispose of construction debris, household trash, or leaves.
- if the Air Quality Index (AQI) is forecasted to be 100 or higher anywhere in the state
- if the Forest Fire Danger Index is rated *High, Very High, or Extreme*
- if national or state ambient air quality standards may be exceeded
- if a hazardous health condition might be created
- if there is an advisory from DEEP of any air pollution episode

You should *not* burn wood pallets, construction debris, painted wood, stained/treated wood, or garbage in a campfire/bonfire, fire pit, chiminea or other similar device.

Exceptions: The burning of non-processed wood in a campfire, chiminea or other similar devices are not required to have a permit.

Reference: CT State DEEP Open burning official documentation 2024

Stephen Dubicki
Fire Marshal
Town of Waterford
5/29/2024