
**TOWN OF ORANGE
NOTICE OF AMENDMENT OF SECTION OF CODE**

In accordance with Section 3.4 of the Charter of the Town of Orange, notice is hereby given to the legal voters and those persons qualified to vote in Town Meetings of the Town of Orange that on April 11, 2012 the Orange Board of Selectmen amended a Section of the Code of the Town of Orange **Chapter 190 – Outdoor Burning Ordinance**. The Ordinance is printed in its entirety.

CHAPTER 190. OUTDOOR BURNING ORDINANCE

ARTICLE I, Purpose and Definitions

§ 190-1. Purpose

It is the purpose of this Ordinance to promote the health, safety, welfare, property, and living conditions of the citizens of the Town of Orange from the fire hazards and air pollution of open burning and outdoor burning.

190-1a. Application

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

190-1b. Non-Applicability

This Ordinance does not apply to grilling or cooking using charcoal, wood, propane or natural gas in cooking, grilling appliances, or barbeques being used for food preparation. Further, this Ordinance shall not apply to the use of propane, acetylene or natural gas in a device intended for temporary heating during construction or maintenance activities. This Ordinance shall not apply to recreational fire appliances (as defined in Section 190-2) that are designed, manufactured, installed and approved for such use.

190-1c. Permittee Responsibilities

Any Town issued burning permit(s) in no way relieves any individual from their responsibility for any damage or injury caused by their permitted actions to another person's property or person.

§ 190-2. Definitions.

The following definitions shall apply to all parts of this chapter (words italicized in this chapter are defined in this section):

BONFIRE -- an outside fire for the sole purpose of celebrating an event or occurrence either on private or public property.

BURNING INDEX -- A weather forecast based on a scale calibrated to reflect the risk of forest fire and broadcast by the Connecticut Department of Energy and Environmental Protection (DEEP).

CEREMONIAL BURNING -- shall mean the open burning of materials such as flags for the purpose of disposing of said material that is fit and proper.

CLEAN WOOD – Means natural seasoned hardwood 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.

COMBUSTIBLE MATERIAL -- Any substance which is inflammable, readily ignitable or free burning, such as but not limited to paper, rubbish, wood, grass and leaves.

CONSTRUCTION AND DEMOLITION WASTE – means 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 on a house, commercial or industrial building, or other structure.

DEEP-shall mean the Connecticut Department of Energy and Environmental Protection

FIRE MARSHAL –shall mean the Town of Orange Fire Marshal, or authorized agency designee(s)

FIRE PIT -- shall mean an outside area of earth ground or a hole in earth ground that may or may not be surrounded by noncombustible materials with the intent of controlling the potential spread of a fire.

FIRE TRAINING FIRE -- shall be methods of fire inside a structure or in the open environment for the purpose of training firefighters to enhance their skill performance.

GRILLOUTDOOR FIREPLACE, OR APPROVED APPLIANCE -- Any metal or masonry structure, or pre-manufactured appliance used for outdoor cooking or recreational fire.

HAZARDOUS MATERIAL –means any substance or compound that has the capability of producing adverse effects on the health and safety of humans or environment.

NUISANCE -- shall mean a situation in which a recreation, bonfire, fire training, cooking or brush burning type fire creates an environment on or in property, other than the property where the fire is occurring, which is considered to be unhealthy, hazardous, reasonably annoying, uncomfortable, unsafe, creating a traffic hazard, creating a persistent odor or would cost resources to eliminate the odor from the property. This shall apply to but not be limited to smoke, soot, fumes, odors, vapors, noxious gases, products of combustion, heat and incomplete products of combustion.

OPEN BURNING -- shall mean 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 Statute's 22a-174-1 (59).

OPEN BURNING OFFICIAL -- shall mean any person designated by the Town of Orange under Connecticut General Statutes to enforce Connecticut Open Burning Regulations, this article and any applicable regulations.

OPEN OUTDOOR FIRE -- Any fire in the open air, or outside the confines of a building for the purpose of burning a combustible material.

PERMIT – Permit shall mean any paper or electronic form to document the approval of open burning that has been designated by the State of Connecticut or Town of Orange to serve as the approval. Permit shall also include any approval(s) to build, as issued by the Town of Orange Building Department.

PATIO WOOD-BURNING UNIT – means a chimenea, patio warmer, or other portable wood-burning device used for outdoor recreation and/or heating.

RECREATIONAL FIRE --shall mean an outside fire 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 and ceremonial purposes. The fire shall be fueled by combustible materials, EXCLUDING flammable or combustible gas or liquid. Some typical words describing a recreation fire includes campfire, and fire pit.

RECREATIONAL FIRE APPLIANCE -- shall mean a commercially or an approved privately manufactured device in which the intent of its manufacturing was to contain or control a recreation type fire.

RESIDENT -- shall mean an individual seeking to burn on the property where he or she resides.

SPARK ARRESTOR -- A cover designed to prevent the escape of sparks and embers from an open fire or a recreational fire appliance, which meets the specifications of § 190-4 of this chapter, or the appliance manufacturer's listing.

WINDY CONDITIONS -- shall mean a consistent or gusting wind velocity of 15 mph or more.

ARTICLE II, Regulations

§ 190-3. Specifications

A. A spark arrestor shall

1. Be large enough to cover the entire opening of the permitted fire area on which it is used, and

2. Be constructed of perforated sheet metal or of substantial wire mesh screen capable of withstanding the temperatures of the permitted fire, but in no case less than six (600) degree Fahrenheit; and
 3. Have perforations or openings which do not exceed 1/2 inch in length and 1/2 inch in width.
- B. Recreational and bonfires shall not create a nuisance to surrounding neighbors, homeowners, people, and property.
- C. Recreational type fires shall be contained in either a fire pit or recreational appliance.
- D. A recreational type fire or use of a recreational fire appliance shall be supervised and monitored by a person of at least 16 years of age and who is able to make responsible decisions to adequately control it.
- E. Bonfires and fire pits shall be limited to no more than three (3') feet in diameter or no more than seven (7sq ft) square feet in area, and shall not have a fuel stack greater than three (3') feet high.
- F. A spark arrestor shall be used on all fire pits, bonfires,

ARTICLE III, Powers and Duties of the Fire Marshal

§ 190-4 Inspection.

The Fire Marshal's Office of the Town of Orange ~~are~~ is authorized to enforce the provisions of this chapter. To assist such enforcement, the Fire Marshal or a designee is authorized to enter any yards and open property for the purpose of detecting and initiating extinguishment of fires created without compliance with this chapter.

§ 190-5. Notice of violation.

Whenever the Fire Marshal determines that there has been a violation of this chapter, he shall give written notice of such violation to the person or persons responsible for such violation. Such notice shall describe the violations charged with specific reference to the provisions of this chapter, and shall outline the remedial action required to remove the violation, including the time within which such violation must be cured.

ARTICLE IV, Permits

§ 190-6. Application for permit.

All applications for permits required by this chapter shall be made to the Fire Marshal in such form and in such detail as they shall prescribe. The Fire Marshal may require, where they deem it necessary, proof of compliance with the town zoning or building ordinances^{iEN} and may revoke a permit in case there has been a false statement or misrepresentation as to a material fact in such application.

§ 190-7. Issuance of permits.

The Fire Marshal shall issue all permits required by this chapter when satisfied that the activity or condition for which the permit is sought poses no threat to life, health or property. Such permits shall be valid for such period of time as appears on the face of the permit and may be withdrawn at any time on notice to the holder thereof, if because of changed conditions, a threat to life, health and property is found to exist.

§ 190-8. Permit Fees

- A. The following fees shall apply to permits required under this Ordinance:
 - a. Single use kindling or open burning permit, \$25.00
 - b. Annual fire pit operating permit, \$150.00
 - c. Fire Training Permit \$75.00
 - d. Special use permit \$25.00

ARTICLE V, Prohibited Acts

§ 190-9. Prohibited acts enumerated.

The following acts are prohibited:

- A. Kindling or allowing to be kindled an outdoor fire for the purpose of disposing of garbage, construction and demolition waste;
- B. Leaving unattended an open outdoor fire;
- C. Kindling or allowing to be kindled an outdoor fire when the burning index as broadcast by the State DEEP as High, Very High, or Extreme, and/or windy conditions exist;
- D. Kindling or allowing to be kindled an outdoor fire when the Air Quality Index is broadcast by the State of Connecticut DEEP as Unhealthy to Sensitive Groups, Unhealthy, or Very Unhealthy.
- E. The location or storage outside a building of any combustible material in such manner or condition as to pose a threat to life, health or property;
- F. Kindling an outdoor fire within the traveled portion of any highway or curb area; and
- G. Bon type fire and fire pits that is greater than three (3') feet in diameter or more than seven (7sq ft) square feet in area, and that has a fuel stack greater than three (3') feet high.

- H. Kindling or allowing to be kindled an outdoor fire for the purpose of disposing of any type of structure, including marine and aircraft, vehicles or debris from any of the foregoing.
- I. Burning of any materials other than “clean wood” as defined in Section 190-2.

ARTICLE VI, Acts Requiring a Permit

§ 190-10. Enumeration of acts requiring a permit.

The following acts are permitted under this chapter provided that a written permit is first obtained from the Fire Marshal or Fire Wardens of the Town of Orange:

- A. Kindling or allowing to be kindled an outdoor fire
- B. Bon type fires
- C. A non-conforming fire or special use fire of a type other than listed in this Ordinance which may be required due to unique nature or condition, such as, but not limited to a prescribed burn for forest fire control.
- D. Fire suppression training fires in accordance with the following provisions;
 - 1. The burn must be exclusively for fire prevention training. The burning shall not be used as a means to dispose of waste material including, but not limited to, tires and other hazardous materials.
 - 2. All hazardous materials must be removed and disposed of prior to conducting the fire suppression training removed by a licensed abatement contractor in accordance with the applicable local and state regulations regarding such activities.
 - 3. Asphalt shingles and asphalt or plastic siding shall be removed prior to the practice burn unless the Fire Chief determines that they are necessary for the fire practice.
 - 4. At least seven (7) days before a planned practice burn, residents within one thousand (1000') foot radius of the site of the proposed burn shall be notified.
 - 5. All fire suppression training shall conform to the latest edition established by the National Fire Protection Association (NFPA) Standard on Live Fire Training Evolutions (NFPA 1403).
- E. An annual operating permit can be issued to a resident for approved fire pits that will be used throughout the year. Such permit will require an initial inspection by the Fire Marshal to determine compliance with this Ordinance, and any other applicable standard. Each permit shall be valid for twelve (12) months after the date of issuance, and must be renewed after such time.
- F. If a resident obtains an annual fire pit operating permit, it shall be that persons responsibility to verify that acceptable conditions exist to burn and the arrangement or configuration of such pit has not changed from the initial inspection by the Fire Marshal.
- G. Any changes to the location, layout, or configuration of the fire pit will require a reinspection by the Fire Marshal.

ARTICLE VII, Penalties

§ 190-11. Penalties for offenses.

- A. A maximum of 1 written warnings shall be allowed to the homeowner, resident or responsible person(s) for the violation of this Ordinance.
- B. After the first written warning in a calendar year, the homeowner, resident or responsible person shall be fined \$100 for each additional written warning. This process shall continue up to the third written warning.
- C. If the violations continue after the third written warning, the Fire Marshal shall seek an order from a court of competent jurisdiction for a cease and desist order of the open burning that violates this ordinance.

§ 190-12. Enforcement

- A. The office of the Fire Marshal is charged with the enforcement of this Ordinance. That office can request assistance from the Police Department, Fire Department or Connecticut DEEP, as necessary.
- B. The office of the Fire Marshal shall provide the homeowner, resident or person responsible for the open burning a notice of written warning violation when the open burning is in violation of this Ordinance and any part of it. The written warning violation notice shall be left with the proper person or affixed to the residence in a conspicuous location. When necessary, a copy of the written violation shall be sent to the responsible person(s) by certified mail and return receipt requested. In the event that the responsible person does not claim such form at the Post Office, the Fire Marshal shall have such notice served by a Judicial Marshal.
- C. In the event that the Fire Marshal, Police Department or Fire Department determines that, in the best interest of public safety and/or the intent of this Ordinance, the open burning must immediately cease, they have the authority to have the open burning extinguished, as soon as possible.
- D. Nothing in this Ordinance shall limit the power and authority of the Fire Marshal to enforce their respective regulations or other related Connecticut Regulations regarding open burning.
- E. Open brush burning is not allowed without a permit. Brush burning without a permit is illegal and the individual(s) responsible for the burning may be subject to arrest by the Police Department or any other authorized person(s).
- F. The Fire Marshal may revoke or cancel a burn permit if it is deemed that the open burning is creating a nuisance, fire hazard, unsafe condition, environmental hazard or for any other reasonable condition.
- G. The notice of written violation form, as a minimum shall contain the following information:
 - 1. The property of origin.
 - 2. The exact nature and Ordinance section(s) of the violation(s).
 - 3. A copy of this Ordinance.
 - 4. The penalty or fine for the violation of this Ordinance.
 - 5. The penalty(s) or fine(s) for continued violation of this Ordinance.
 - 6. The procedure to appeal this violation(s).

7. The name and business telephone number(s) of the Fire Marshal, police or fire department representative finding such violation(s).

ARTICLE VIII, Interpretation and Conflicts

§ 190-13. Conflict.

In any case when a provision of this chapter is found to conflict with a provision of any zoning, building, fire, safety or other statute, regulation, code or ordinance of the state or Town of Orange, the provision which established the higher standard shall prevail.

§ 190-14. Liability.

This chapter shall not be construed to render the Town of Orange or any of its officers liable for any damage to person or property by reason of the inspection or reinspection authorized herein or the failure to inspect or reinspect or by reason of the issuance of any permit as herein provided.

§ 190-15. Effective Date.

This ordinance shall become effective on the 1st day of July 2012.

Notice of Amendment of Chapter 190 of the Town of Orange Code dated at Orange, CT this 13th day of April 2012.

TOWN OF ORANGE, BOARD OF SELECTMEN

BY:

James M. Zeoli, First Selectman

ATTEST:

Patrick B. O'Sullivan, Town Clerk

ⁱ Editor's Note: See Ch. 183, Building Construction, and Ch. 383, Zoning.