

## Chapter 93

### BURNING, OPEN

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**[HISTORY: Adopted by the Town Council of the Town of Wallingford 9-13-2011 by Ord. No. 570.<sup>1</sup> Amendments noted where applicable.]**

§ 93-1. Policy declaration.

The Town Council 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 Town Council, 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.

§ 93-2. Prohibition.

Except as hereinafter provided, no person shall set, cause or permit an open fire within the limits of the Town of Wallingford. As used herein, "person" means an individual,

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1. Editor's Note: This ordinance also repealed former Ch. 93, Burning, Open, adopted 4-28-1998 by Ord. No. 455.

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.

**§ 93-3. Open Burning Official; permit procedures.**

- A. The Mayor shall appoint one or more Open Burning Officials of the Town of Wallingford who shall be solely responsible for the issuance of permits for those open fires excluded from the prohibition of § 93-2 of this chapter that require a permit.
- B. A permit application for any excluded open fire shall be made on forms furnished by the Open Burning Official. Each application shall describe the purposes of the fire, the 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.

**§ 93-4. Excluded open fires; required permits.**

- A. A permit shall not be required for the following open fires:
  - (1) Barbecues or other outdoor open fires for the cooking of 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; and
  - (2) Campfires, bonfires and other fires for ceremonial or recreational purposes 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.

#### **§ 93-5. 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.

**§ 93-6. 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 in § 93-4, in violation of § 93-5 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 \$100.