

TOWN OF COLCHESTER SELECT BOARD
P.O. Box 55
Colchester, VT 05446

COLCHESTER, VT.
RECEIVED FOR RECORD
Oct 31 AD 2008 AT
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of the Land Records
Attest: Nanda Marin
Asst. Town Clerk

CERTIFICATE OF AMENDMENT

We, the Colchester Select Board, hereby certify that pursuant to Chapter 1, Section 104 through 109, of the Colchester Town Charter, held a public hearing, and adopted the following amendment to an ordinance relating to open burning and banning leaf burning (Colchester Code of Ordinances, Chapter 7, Section 91).

Underlined – to be added
Strikethrough – to be deleted

AN ORDINANCE RELATING TO OPEN BURNING AND BANNING LEAF BURNING

It is hereby enacted by the Selectboard of the Town of Colchester of the State of Vermont:

Sec. I. **Sec. 7-92. Open burning.** is amended to read.

- (a) No refuse, grass, leaves, or downed trees shall be burned.
- (b) All open burning shall be extinguished when not attended to.
- (c) No open burning shall occur within a fully enclosed structure.
- (d) The Authority Having Jurisdiction (AHJ), fire warden, or their designee may order any open burn to be extinguished if the AHJ judges the fire or the conditions under which the burning occurs is a threat to public safety or property.
- (e) Burning permits shall be available to burn only brush, ~~leaves, grass and downed trees~~ which is defined as leafless tree branches and four (4) inches or less in diameter in accordance with subsection (f) herein. All open burning shall require a permit obtainable at police dispatch except as herein specifically excluded:
 - (1) The burning of fuels for cooking purposes;
 - (2) Barbeque pits less than thirty (30) inches in diameter; or
 - (3) Campfires and bonfires less than thirty (30) inches in diameter.

A. At the discretion of the fire warden, a permit may be issued for special occasions allowing bonfires greater then (30) inches in diameter.

(f) Open burning permits and fee. A specific permit may be granted by the fire warden, Life Safety Inspector (LSI) or duly appointed designee for an individual to engage in open burning in accordance with the following:

(1) No hazardous condition will be created by such burning and the emission of air contaminants will not create a danger to public safety or health. Permits shall be for specified days, specified location, and for a specified material. The hours within which said burning may take place may be specified on the permit.

(2) Open burning of brush shall be permitted if the outermost edge of the burning site is:

(A) At least one-hundred fifty (150) feet or more from the closest dwelling located in the vicinity of, but not including, the permit holder's dwelling during the months of January and February; or

(B) At least three-hundred (300) feet or more from the nearest dwelling located in the vicinity of, but not including, the permit holder's dwelling during the remainder of the year.

All distances shall be measured from the outermost edge of the burning site in a straight line to the nearest point on the closest dwelling. The minimum distances imposed in subsections (A) and (B) shall not limit the fire warden or LSI from imposing greater distances between the site and any structure as a permit condition under Sec. 7-92 (f)(1).

(g) A violation of this section shall constitute a civil ordinance violation as described in Sections 7-6 (Appeals) and 7-7 (Penalty for violations) of this chapter. In addition to the procedures contained in Sections 7-6 and 7-7, the following shall apply to any civil violation under Section 7-92:

(1) Any person who violates a provision of this section shall be subject to fees as described in section (g)(2) of this ordinance. Police officers, fire warden, deputy fire warden, fire chief and fire officers of the Town of Colchester shall be authorized to act as issuing municipal officials to issue a municipal complaint.

(2) Fee Schedule:

(A) First offense: \$ 25.00 plus fire department expense up to \$500.00

(B) Second offense: 50.00 plus fire department expense up to \$500.00

(C) Third offense: 100.00 plus fire department expense up to \$500.

(D) Fourth and subsequent offenses: 200.00 plus fire department expense up to \$500.00

Offenses shall be counted on a calendar year basis.

(3) Fire department expenses shall be as follows:

(A) Pumper at one hundred dollars (\$100) per hour.

(B) Tanker at seventy-five dollars (\$75) per hour each.

(4) In addition to the enforcement procedures available before the traffic and municipal ordinance bureau as described in Section 7-7(a), the Town Manager or designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

(h) The Town of Colchester will establish drop-off areas for residents of Colchester to bring leaves for disposal in the Fall and Spring seasons.

DATED this 28th day of October, 2008. EFFECTIVE November 18, 2008

COLCHESTER SELECT BOARD



L. Richard Paquette



Marc Landry



Roger C. Derby



Brian McNeil

Voted No



Myron Palmer