

Sec. 7-14. Open burning.

- (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) 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) Barbecue pits less than thirty (30) inches in diameter; or
 - (3) Campfires and bonfires less than thirty (30) inches in diameter.
- (f) At the discretion of the Fire Warden, a permit may be issued for special occasions allowing bonfires greater than thirty (30) inches in diameter.
- (g) Open burning permits and fees. A specific permit may be granted by the Fire Warden or duly appointed designee 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 and 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 leafless brush four (4) inches or less in diameter 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.
 - b. At least (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 (g)(2)a. and (g)(2)b. shall not limit the Fire Warden from imposing greater distances between the site and any structure as a permit condition under subsection (g)(1).

(h) 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 this Section:

(1) Any person who violates a provision of this Section 7-14 shall be subject to fees as described in subsection (h)(2). The BI, the ABI or Law Enforcement Officers shall be authorized to act as Issuing Municipal Officials to issue a Municipal Complaint under this Section 7-14.

(2) Fee schedule:

a. First offense: Two hundred dollars (\$200.00) plus Fire Department expense up to five hundred dollars (\$500.00). The waiver fee shall be one hundred dollars (\$100.00) for the first offense.

b. Second offense: Four hundred dollars (\$400.00) plus Fire Department expense up to five hundred dollars (\$500.00). The waiver fee shall be two hundred dollars (\$200.00) for the second offense.

c. Third offense: Eight hundred dollars (\$800.00) plus Fire Department expense up to five hundred dollars (\$500.00). The waiver fee shall be four hundred dollars (\$400.00) for the third offense.

d. Upon the fourth offense, the Town may request that the case be transferred from the Judicial Bureau to any other Court of Competent Jurisdiction.

(3) Offenses shall be counted on a calendar year basis.

(4) In addition to the enforcement procedures available before the Judicial Bureau as described in subsection 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.

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