

Chapter 8

**FIRE PREVENTION AND PROTECTION\***

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## FIRE PREVENTION AND PROTECTION

### ARTICLE I. IN GENERAL

#### Sec. 8-1. Fireworks.

(a) **Definitions** – The definitions in Conn. Gen. Stat. §29-357, as may be amended and/or re-codified from time to time are incorporated by reference in this Article.

(b) **Use.** The discharge, firing or use of all firecrackers, rockets, torpedoes, Roman candles, fire balloons or other fireworks, and all pistols (excluding athletic event starting guns), canes, cannons or other appliances using blank cartridges or caps containing chlorate of potash mixture, is hereby prohibited in the town. Substances designed and intended for pyrotechnic display, must apply for and obtain a permit in accordance with Article III of this ordinance, the General Statutes, and Connecticut State Fire Prevention Code.

**State law reference**-Fireworks display permit, G.S § 29-357.

**Exception** – Sparklers and fountains in accordance with Conn. Gen. Stat. § 29-356, Conn. Gen. Stat. § 29-357 and Connecticut State Fire Prevention Code.

(c) **Sale, storage.**

(1) The sale of fireworks at retail and the storage or sale of fireworks at wholesale is prohibited.

(2) The sale of sparklers and fountains at retail is permitted by permit only in accordance with G.S. § 29-356, G.S. § 29-357, Connecticut State Fire Prevention Code and town ordinances. Seller shall obtain an annual permit, for each location, to sell sparklers and fountains from the town department of the fire marshal. The fee for this permit will be in accordance with Article III Section

8-39(C) of town ordinance and shall be renewed at the expiration of each fiscal year. Advertising the sale of sparklers and fountains as fireworks is prohibited.

(d) **Violation.** The violation of any of the provisions of this section shall be deemed a violation and any person found guilty of such violation will be fined Two-Hundred dollars (\$200.00) for each violation of this section. Such penalty shall be in addition to any penalty imposed by state or federal statute or regulation.

### ARTICLE II. OPEN BURNING\*

#### Sec. 8-26. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(a) **Bonfire.** A bonfire is a supervised outdoor fire utilized primarily for ceremonial purposes that has a fuel area greater than 3 feet in diameter and greater than 2 feet in height. The size of the bonfire (i.e., quantity of fuel or fuel area) may be limited at the discretion of the Fire Marshal. A bonfire is a form of open burning and a permit is required to kindle a bonfire.

(b) **Brush** means shrubs, vegetation or prunings the diameter of which is not greater than three (3) inches at the widest point.

(c) **Permit** means a permit of open burning issued by the open burning official in such form or detail and valid" for such period of time as the open burning official may prescribe.

(d) **Cooking Fire.** The noncommercial, residential burning of materials not exceeding 3 ft (0.9 m) in diameter and 2 ft (0.6 m) in height, other than rubbish in which the fuel burned is contained in an outdoor fireplace, a barbecue grill, or a barbecue pit for the purpose of preparing food.

(e) **Fire Pit.** A pit dug into the ground or made from stones, masonry, etc., for keeping a fire used for cooking or warmth.

(f) **Grill, barbecue or outdoor fireplace** means any masonry or metal structure used only for cooking outdoors and not used for any disposition of material specified in the definition of open burning.

(g) **Open burning** means any fire in the open air or outside the confines of a building for the purpose of:

- (1) The prevention, control or destruction of diseases and pests and agricultural burning for vegetation management;
- (2) The disposal of brush by a resident on the property where he or she resides;
- (3) The disposal of dangerous material such as toxic gases, where there is no reasonable alternative method of disposal;
- (4) Thwarting a hazard which cannot properly be managed by any other means or is necessary for the protection of public health;
- (5) Fires in saltwater marshes;
- (6) Subject to the provisions of section 8-32, fire training exercises; and
- (7) Any open fires other than those set forth in section 8-27(a).

(h) **Opening burning official** means any person appointed by the first selectman designated and certified by the commissioner of energy & environmental protection as a local open burning official. The open burning official may serve in a temporary capacity from the date of his or her appointment until certification by the commissioner of energy & environmental protection.

(i) **Recreational Fire.** The noncommercial burning of materials other than rubbish for pleasure, religious, ceremonial, cooking, or similar purposes in which the fuel burned is not contained in an incinerator, a barbecue grill, or a barbecue pit, and the total fuel area is not exceeding 3 ft (0.9 m) in diameter and 2 ft (0.6 m) in height.

#### **Sec. 8-27. Permit required; distance from structures.**

- (a) No person shall kindle an open burning within the town without a permit. This requirement does not apply to the following:
  - (1) The use of an outdoor grill, barbecue, fire pit or outdoor fireplace for cooking food for human consumption or recreational fire; and
  - (2) Fires to abate an immediate fire hazard provided the abatement fire is supervised by a responsible fire official
- (b) No person shall kindle an open burning unless the location of the open burning is no less than fifty (50) feet from any structure, woodlands and grasslands and adequate provision is made to prevent the fire from spreading within fifty (50) feet of any structure or other combustible material in an uncontrolled manner.

**Exception:** Recreational and cooking fires shall not be less than twenty five (25) feet from any structure, woodlands, grasslands, or other combustible material.

(c) A permit is required for bonfires.

### **Sec. 8-28. Time of burning.**

Open burning shall be done only between the hours of 10:00 a.m. and 5:00 p.m. as specified on the permit and shall only occur on sunny or partly sunny days when wind speed is five (5) to fifteen (15) miles per hour.

### **Sec. 8-29. Attendance.**

An open burning shall be constantly attended by the permit holder until the fire is extinguished. This person shall have extinguishing equipment readily available for use.

### **Sec.8-30. Authority to prohibit during hazardous circumstances.**

The open burning official or the fire marshal may prohibit any or all open burnings when atmospheric or local circumstances make such fires hazardous.

### **Sec. 8-31. Additional conditions.**

For all open burning defined in Sec. 8-26(g)(3), only materials and quantities specified on the permit may be burned and the open burning official may add any reasonably specifically identified conditions if circumstances indicate that air pollution standards will be violated by open burning.

### **Sec. 8-32. Firefighter or employee instruction.**

Notwithstanding the provisions of section 8-27, fires for training firefighters and methods of firefighting where liquid fuels are burned shall not require a permit.

### **Sec. 8-33. Permit procedures.**

- (a) A signed, written permit from the open burning official is needed for open burning for each specific location.
- (b) Permits will be issued by the open burning official for a period of time specified on the permit.
- (c) Daily verbal permission for an open burning is required by calling the fire department non – emergency number and giving the name and address of the permit holder and the permit number.
- (d) Permits will not be issued if:
  - (1) A hazardous health condition will be created;
  - (2) A salvage operation by open burning will be conducted;
  - (3) A practical alternative method of disposal for the material to be burned is available;
  - (4) Such open burning would interfere with or prevent the attainment or maintenance of ambient air quality standards imposed by state or federal law;
  - (5) Forest fire danger, as determined by the state forest fire warden, is high or extreme and the area where the open burning is conducted is within one hundred (100) feet of a woodland or grassland.
  - (6) There is an advisory from the commissioner of any air pollution episode.
- (e) **Permit Fee:** Open burning permit fee is twenty (20) dollars for a two (2) week period.

**Sec. 8-34. Burning restrictions.**

The following shall not be burned:

- (1) Tires, oil waste, fuel oil or any material that emits large quantities of smoke;
- (2) Garbage or animal or vegetable waste;
- (3) Automobiles or parts removed from vehicles;
- (4) Paper, grass, metals, plastics, leaves, rubber, painted materials or demolition waste.
- (5) Building Materials or processed wood.
- (6) Any other material prohibited pursuant to Connecticut General Statutes or state regulations, as may be amended and/or re-codified from time to time.

**Sec. 8-35. Enforcement.**

This article shall be enforced by the Madison Police Department in accordance with Conn. Gen. Statutes, applicable State regulations, and /or the provisions of this ordinance.

**Sec. 8-36. Penalty.**

Any person who violates any provisions of this article shall be fined not more than two hundred dollars (\$200.00) per occurrence in addition to any applicable state or federal fines or penalties.

Article III