



## City of Milford – Code of Ordinances

### ARTICLE V. OPEN BURNING

Sec. 7-77. Title.  
[Ord. of 5-5-2009]

This article shall be known and may be cited as the "Open Burning Ordinance."

Sec. 7-78. Definitions.  
[Ord. of 5-5-2009]

For the purposes of this article, the words and phrases defined in the sections hereunder shall have the meanings therein ascribed to them.

#### **AMBIENT AIR SPACE**

The unconfined space occupied by the atmosphere above the geographical region of Milford.

#### **BRUSH**

Shrubs, vegetation or prunings, the diameter of which is not greater than one inch at the widest point.

#### **BUILDING**

Any structure which is enclosed by a roof and walls and is used for any occupancy such as a dwelling, a place of assembly, institutional uses or business.

#### **COMMISSIONER**

The Commissioner of the State of Connecticut Department of Environmental Protection.

#### **NUISANCE**

The discharge into the open air of any smoke, soot, fumes, odors or other emissions which cause injury, detriment or which endanger the health or safety of the public or which cause, or are likely to cause injury or damage to business or property.

#### **OPEN BURNING**

Any burning outside the confines of a building.

## **OPEN BURNING OFFICIAL**

A qualified representative of the Milford Fire Department.

## **PROHIBITED MATERIALS**

Garbage, paper, grass, metals, plastics, leaves, chemically treated wood, brush, rubber, painted materials or demolition waste.

### **Sec. 7-79. Open burning certificates required.**

[Ord. of 5-5-2009]

- (a) Except as specified in Section 7-80, no person shall set, cause or permit an open burning without obtaining an open burning certificate from the open burning official.
- (b) An application for an open burning certificate for any fire described in Section 7-80(b) shall be made on the forms furnished by the open burning official, and each applicant shall explain the purpose of the fire, the nature and quantity of material to be burned and any other information the open burning official considers necessary.
- (c) A certificate issued under this section shall be applicable only for the occasion or the purpose for which it has been obtained.

### **Sec. 7-80. Exceptions and applications.**

[Ord. of 5-5-2009]

- (a) Certificates shall not be required for the following types of fires:
  - (1) Barbecues or other outdoor open fires for the cooking of food for human consumption, provided that no other nuisance is created.
  - (2) Camp fires or other fires for recreational or ceremonial purposes, provided that the size of such fires does not exceed three feet in any dimension and further provided that no prohibited materials are included, provided that no other nuisance is created. If the dimensions of such fire do exceed said limits, an open burning certificate shall be required per Section 7-79(b).
  - (3) Fires for training firefighters in fire-fighting methods.
  - (4) Fires in salamanders or other similar devices used by construction workers for warmth or fires essential to street installation or paving activities, the repairing of utilities or other similar work.

(b) Certificates are required and may be issued by the open burning official for:

- (1) Fires for the prevention, control or destruction of diseases and pests, and agricultural burning for vegetation management.
  - (2) Any fire on City property except as contained in barbecues, for the cooking of food for human consumption.
  - (3) Any open burning where the base is greater than three feet and the flames from the base exceed three feet in height at any time.
- (c) This article shall not be construed to render the City and/or any of its officers, employees, and officials liable for any damage to any person or property by reason of the issuance of any open burning certificate.

Sec. 7-81. Denial of certificates.  
[Ord. of 5-5-2009]

The open burning official shall not issue an open burning certificate requested under this article when the open burning official determines that:

- (a) A hazardous public health condition will be created by such burning; or
- (b) The fire constitutes a salvage operation by open burning; or
- (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; or
- (d) Such open burning would interfere with or prevent the attainment or maintenance of a relevant ambient air quality standard; or
- (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; or
- (f) The Commissioner has issued an advisory of an air pollution emergency episode stage pursuant to Section 22a-174-6 of the General Statutes, as amended; or
- (g) Prohibited materials are to be burned.

Sec. 7-82. Conditions on open burning requiring permit.  
[Ord. of 5-5-2009]

Approval of open burning shall be subject to such reasonable conditions as are necessary to avoid a nuisance or to protect the health, safety and comfort of the public, including but not limited to the following:

- (a) All fires requiring open burning certificate must have the written permission of the property owner.
- (b) Only materials and quantities specified on the open burning certificate may be burned.
- (c) The open burning official may specify on any open burning certificate the hours and days during which open burning is allowed.
- (d) A copy of the open burning certificate shall be kept in the possession of the applicant at the burning site at all times during said burning. The applicant must follow any special notification and contact instructions as may be specified on open burning certificate. Sufficient tools and equipment necessary to extinguish any open burning must be present and readily available, and a person, physically capable of using those tools and equipment, must be present and in control of said open burning.
- (e) The open burning official may revoke, in writing, any certificate or add any reasonable, specifically identified, conditions if circumstances indicate that in the open burning official's discretion and judgment air pollution standards will be violated.
- (f) Upon notification to a person conducting open burning that the open burning official has determined the open burning to be a nuisance, the open burning shall be immediately extinguished.

Sec. 7-83. Penalties for offenses.  
[Ord. of 5-5-2009]

Any person who violates any provision of this article shall be subject to the following penalties and fines:

(a) Persons failing to comply with the requirements of this article shall be in violation of this article and shall be subject to the penalties and fines outlined herein, and further provided that the fines for said violations shall be as follows:

(1) First offense or violation: notification.

(2) Second offense or violation: \$25 for each separate violation and each day of continued violation.

(b) The open burning official may, when appropriate, seek enforcement of the provisions of this article by injunction and, in such event, the violator shall pay, as damages, a reasonable attorney's fee incurred in the prosecuting of said action.

(c) Notwithstanding the foregoing, the Commissioner and/or the open burning official reserve the right to seek the penalties set forth in Section 22a-175 of the General Statutes.

(d) The provisions in this article shall be in addition to the existing municipal ordinances dealing with housing and/or public health, and shall not limit the provisions or enforcement of other local, state, or federal codes, regulations, ordinances, and/or statutes as they apply.