

Town Of Danville Ordinance Regulating Open Burning

Section I. Authority: This ordinance is adopted by the Selectboard of the Town of Danville under the authority granted by 24 V.S.A. § 1971 & 24V.S.A. § 2202a.

Section II Purpose: It is the intent of this ordinance to provide for the control of open fires to ensure the public's health, safety and welfare and to prohibit solid waste disposal practice that pose a danger to the public health and welfare and the environment or constitute a public nuisance.

Section III Burning permit requirements:

A. Based on consideration of neighborhood character, abutting land use, and weather conditions, residents and land owners wishing to burn brush, grass, natural unpainted, unstained, untreated dimension lumber and wood products, originating on premises only, may do so upon obtaining a burning permit from the Town of Danville Forest Fire Warden or Deputy Forest Fire Warden before burning.

B. There shall be no charge to obtain a burning permit. Individuals having burning permits must have them on their person and maintain control of the fire at all times and not allow its spread beyond their property lines. In granting any permit the Fire Wardens may attach reasonable conditions to the proposed burning including size of fire and the time of day.

C. Nothing contained herein shall prevent the use of true campfires with a fire ring of 3ft or less, outdoor grills and fireplaces for recreation or preparation of food, provided no public or private nuisance is created.

D. Any fire that is reported to the fire department, that is deemed to be unattended, out of control, or a material violation, by the senior officer responding to the call, will be extinguished by the fire department, whether or not the person had a permit.

Section IV Prohibited open burning:

A. No burning permits will be issued for the Village Core District and Historic District in Danville Green, the old design control areas in West Danville and North Danville. Residents residing in these areas may deposit their allowable materials at the town wood dump.

B. All other types of open burning, including by way of example but not limited to materials such as: tires, oil, any petroleum based products, hazardous and/or solid waste, industrial and/or domestic rubbish, composite materials, treated, painted or stained dimension lumbers, painted or stained, pressure treated materials or materials not originating from the sight are specifically prohibited.

Section V Penalties:

A. This shall be a civil ordinance, which shall be enforced in accordance with the provisions in 24 V.S.A. § § 1974a and 1977 et seq., as amended or through any Vermont court having proper jurisdiction.

B. The penalty for violation of any of the above prohibitions shall be subject to the following civil penalties:

1. First offense of a material violation or burning without a permit, violator will be given a written warning by the Forest Fire Warden or the Deputy Forest Fire Warden.
2. Each additional offense of a material violation or burning without a permit, violator will be given a violation ticket with a fine of \$250.00 / waiver fee of \$200, without exception, by the Forest Fire Warden or the Deputy Forest Fire Warden.
3. The person responsible for any fire that is extinguished by the fire department under Section III D above, will be given a violation ticket with a fine of \$250.00/waiver fee of \$200.00, without exception, by the officer in charge.

SECTION VI. ENFORCEMENT OFFICIALS: The Fire Warden and the Deputy Fire Warden, of the Town of Danville shall be authorized to act as issuing municipal officials to issue and pursue before the municipal ordinance bureau a municipal complaint of a violation of this ordinance. The Selectboard or their designee is authorized to commence a civil action to obtain injunctive and other appropriate relief, or to pursue any other remedy authorized by law.

SECTION VII. SEVERABILITY. If any portion of this ordinance is held to be invalid by a court of competent jurisdiction, such finding shall not invalidate any other part of this ordinance.

SECTION VIII. EFFECTIVE DATE. This ordinance shall become effective 60 days after its adoption by the Danville Selectboard. If a petition is filed under 24 V.S. A. § ; 1973. that statute shall govern the effective date.

DATE _____

SIGNATURES DANVILLE SELECTBOARD

Adoption History

1. Agenda item at regular Selectboard meeting held on __May 20, 2010__.
2. Read and approved at regular Selectboard meeting on __May 20, 2010__ and entered in the minutes of that meeting which were approved on _____.
3. Posted in public places on __May 25, 2010_____.
4. Notice of adoption published in the __Caledonian__ newspaper on _____
. with a notice of the right to petition.
5. Other actions [petitions, etc.] none