

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 burning to ensure the public's health, safety, and welfare and to prohibit solid waste disposal practices that pose a danger to the public health and welfare and the environment or constitute a public nuisance.

Section III Definition: For purposes of this ordinance, "Open burning" shall mean the burning of combustible materials where emissions do not pass through a stack, chimney or flue, but are released directly to the air. Open burning does not include the use of campfires with a ring of 3 feet or less, outdoor grills, and fireplaces for recreation or preparation of food, and such uses are expressly exempt from this ordinance.

Section IV Prohibited open burning:

- A. **No Open Burn permits will be issued for the Village Core District and Historic District in Danville Green, the Village Core District in West Danville, and the designated Village Center of North Danville.** Residents residing in these areas may deposit their allowable materials at the town wood dump.

Section V: Burning permit requirements:

- A. Based on consideration of neighborhood character, abutting land use, and weather conditions, open burning shall exclusively entail the combustion of brush, grass, and natural unpainted, unstained, and untreated dimension lumber products that originate on the premises only of the landowner or resident who wishes to have an open burn. 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 burn site are specifically prohibited.
- B. Residents and land owners must obtain an Open Burn permit from the Town of Danville Forest Fire Warden or Deputy Forest Fire Warden before burning.
- C. There shall be no charge to obtain a burn permit. Individuals having burn 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 and have authority to deny permit in high forest fire conditions.
- 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 VI 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 VII 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 VIII 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 IX. 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.

Signatures:

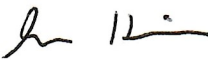

 Janice Ouellette, Chair

Eric Bach, Vice Chair


 Peter Griffin



Alison Low



Glenn Herrin

5-2-24

Date

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.
6. Amendment proposed on February 1, 2024, Adopted May 2, 2024 at regular Selectboard meeting.