

**TOWN OF MIDDLEBURY  
ORDINANCE FOR THE REGULATION OF FIRES AND BURNING**

**ARTICLE I**

Section 101 Definitions

- a. Open Burning – Any uncontained fire or burning fueled by yard debris.
- b. Contained Burning- Any burning contained within a fire pit/ fire circle, incinerator, barbeque pit, cooking fireplace, pig roast, outdoor barbeque, or manufactured outdoor fireplace, chimenea, fire pit or grill fueled by propane, natural gas, charcoal, untreated wood, or yard debris.
- c. Yard Debris - untreated wood, brush, lawn clippings, plants, slash, leaves, and other natural growth.
- d. Fire Pit/ Fire Circle – An enclosure with a maximum square footage of 25', enclosed by a non-combustible barrier with a minimum height of 12". The fire pit / fire circle must be a minimum of 20' from any structure or stored combustibles and have no overhead combustibles such as a roof overhang or tree limbs.
- e. Incinerator –Also known as a burn barrel, burn cage, incinerator can. A non-combustible, heat resistant container enclosed on all sides sufficient to contain sparks, fuel, and flame within.
- f. Fire Warden - "Fire Warden" shall mean the person appointed to office as defined under Vermont Statute V.S.A. 10, Section 2641.

**ARTICLE II**

Section 201 Permit Required

- a. A permit from the Fire Warden or designee is required for open burning.

Section 202 Conditions

- a. Open burning may be permitted during the period of November 1 through the third Sunday in April between the hours of 8 a.m. and 4 p.m. The Fire warden or designee shall have the discretion to permit open burning at other times and dates for special circumstances including periods of adverse weather conditions or the lack of availability or alternate disposal methods.
- b. Permits issued under the provisions of this ordinance shall be for a specified date, time, and location.
- c. The Selectboard of the Town reserves the right to establish a fee for the issuance of such permits.
- d. Open burning on private property shall only be permitted with the consent of the property owner or their agent.

e. Any fire resulting from permitted open burning shall be attended by a person capable of controlling the fire until the fire is extinguished.

f. With the permission of the Fire Warden or designee and the Director of Public Works, open burning is allowed on public rights-of-way except upon sidewalks, roadways, traffic lanes, parking areas, alleys and all paved areas.

g. Burning and fires that are contained pursuant to Article I subsections b and d do not require a permit and are not considered open burning unless the burn area exceeds the enclosure.

h. In evaluating whether an open burning permit shall be issued the Fire Warden shall consider:

1. Potentially hazardous conditions that could result if such burning was permitted.
2. The emission of air contaminants which have the potential of creating a nuisance and/or danger to the health and property of others.
3. The proximity of any structure to where the burning will take place.

i. The Fire Warden or designee may revoke any permit should conditions change during the burn, or should the burn represents a hazard to property or to others.

j. The Fire Warden or designee may order an open burn extinguished if no permit was issued, or if the open burn exceeds any conditions under which the permit was issued.

### **ARTICLE III**

#### Section 301 Burning for the Purpose of Weed Abatement

a. Burning for the purpose of weed abatement, disease, forest fire and pest prevention or control is permitted with consent of the Fire Warden.

b. Burning for the purpose of agricultural, forestry, or wildlife habitat management is permitted with the consent of the Fire Warden.

c. Burning for the purposes in Article III a. and b. are not subject to date parameters in Article II  
b. They are subject to conditions specified in Article II sections a.,c.,d.,f.,g., and h.

### **ARTICLE IV**

#### Section 401 Reimbursement of Fire Department Expense

a. Should the Fire Department determine that an open burn needs to be extinguished, the property owner is subject to reimbursing the Fire Department for the costs of the fire suppression in addition to any fine assessed under Article V.

## **ARTICLE V**

### **PENALTY**

#### **Section 501 – Civil Violation.**

A violation of this ordinance shall be a civil matter which shall be enforceable by the town pursuant to Title 24 V.S.A. §1974a and any other applicable provision of law.

#### **Section 502 – Penalty**

A person who violates any provision of these regulations shall be fined not more than eight-hundred dollars (\$800) for each offense, with a waiver fine of two-hundred dollars (\$200). Each violation shall constitute a separate offense.

Adopted: 13 April 2021; Effective: 23 May 2021