

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
TOWN OF NORTH SMITHFIELD**

**ORDINANCE OF THE TOWN COUNCIL
RELATING TO OPEN BURNING**

WHEREAS, state law, RIGL 23-23-18 (b) recognizes the right and responsibility of cities and towns to adopt and enforce laws prohibiting open fires;

WHEREAS, pursuant to RIGL 23-23-18 (c), it is the policy of the State of Rhode Island that open fires shall be eliminated to the maximum extent possible;

WHEREAS, The Town Council wishes to permit, but to reasonably regulate open burning in the town;

IT IS ORDAINED by the Town Council of the Town of North Smithfield:

Chapter 7 of the Code of Ordinances is amended to add Article II, which shall read as follows:

Section 7-7. Open Burning Prohibited Except With Permit

Open burning is hereby prohibited within the town except by permit and in accordance with the terms of the permit issued, the provisions of this ordinance and the applicable state and federal laws and regulations.

Section 7-8. Permit – Availability

(a) Permits generally may be issued for open burning during the period from the day after the observed Columbus Day Holiday through and including April 30 of the succeeding year. No permits shall be issued from May 1 through and including the October day preceding the observed Columbus Day Holiday.

(b) A permit may be issued to the owner of the property lot where the burning is to occur, and no owner, or contiguous lot in common ownership, shall be issued more than two permits in any calendar month within the months when burning is generally permitted.

(c) Each permit shall be issued for one day only. Each permit shall be applied for and issued only on the date to which it applies, that is, the date of the burning. There shall be no fee for the permit.

Section 7-9. Permit Issuance; Conditions; Revocation

(a) A permit for the open burning of brush only may be issued by the Fire Chief (including, in all references to the Fire Chief hereafter, his designee), of the district in which the property is situated. "Brush" is defined as leaves, twigs, grass and similar matter of an organic nature occurring naturally on the premises for which the permit is issued. No accelerants, including but not limited to gasoline or other fuels, are permitted.

(b) The Fire Chief shall have the authority and discretion to issue or not to issue any permit, or to apply any reasonable condition to the issuance of the permit. The chief shall take into consideration weather and atmospheric conditions, including DEM advisories, in his determination as to whether to issue a permit or to impose conditions. The chief may also take into account any characteristics of any particular property, its location and structures, before issuing or denying a permit or imposing reasonable conditions to the permit applicable to that property.

(c) The Chief, in his sole discretion, may at any time revoke a permit if he believes that such action is in the best interests of the health, safety and welfare of any citizen(s) of the town, and to order immediate extinguishment of any open burning.

(d) All open burning shall be conducted only within the physical presence of a responsible person, with approved fire extinguishing equipment or a garden hose available at all times. Open burning may only be conducted from 8am to 5pm.

(e) No open burning is permitted within 30 feet of any structure or roadway. "Structure" for the purpose of this ordinance shall refer to any manmade construction, whether permanently affixed to the property or otherwise, including houses, sheds, garages, decks, or other fixtures.

Section 7-10. Application Statement Required

Each applicant shall be required to sign a Statement as part of the application:

- a. That he or she is the owner of the land on which the burning is to take place;
- b. That the applicant has not been issued more than two permits within the calendar month for the lot in question, nor for a contiguous lot in his ownership;
- c. That with this application and permit the applicant has received a copy of this ordinance, and of RIGL 2-12-6, regulating open burning near forested areas;
- d. That the applicant understands that the Fire Chief or his designee may at any time in his discretion revoke the permit and order the extinguishment of the burning if he believes that such action is in the best interests of the health, safety and welfare of any citizen(s) of the town.
- e. That the owner of the property is aware of the conduct of the open burning and shall bear all associated liability for the burning.

Section 7-11. Violations

(a) Anyone conducting open burning in violation of this ordinance, or in violation of the permit issued, or making a materially false or misleading statement on the application, shall be subject to a fine of \$100.00 upon the filing with the town clerk of a written statement of the Fire Chief of the violation(s). This provision shall not otherwise limit the authority of the Fire Chief or any other official regarding the enforcement of other state or federal laws or regulations.

Section 7-12. Exceptions to Requirement for Permit

The following types of burning are not prohibited within the town, and do not require a permit, under the conditions outlined below:

(a) Barbecue equipment, UL listed, when used in a safe manner;

(b) Recreational fires, when burning clean, dry cord type firewood as in a standard campfire setting. Such a fire must be less than three feet in diameter, attended by a responsible person at all times, with approved fire extinguishing equipment or a garden hose available at all times. The smoke from the fire must not be of noxious quality or amount, and the fire be conducted under safe conditions when weather conditions are not dry, nor when winds exceed 15 mph. No such fire is permitted within 30 feet of any structure or roadway.

(c) Recreational fires contained in fireplace-like receptacles, clay or other suitable type chimney fireplaces, or in a fire pit or pan made for this purpose. The fire shall be conducted under safe conditions, attended by a responsible person at all times, with approved fire extinguishing equipment or a garden hose available at all times. The smoke from the fire must not be of noxious quality or amount.

(d) Persons using fires in this section 7-12 for the burning of brush in an attempt to avoid the requirements of sections 7-7 through 7-10 of this ordinance shall be liable for the violation of 7-11, above.

(e) The Chief, in his sole discretion, may at any time order immediate extinguishment of any fire or burning if he believes that such action is in the best interests of the health, safety and welfare of any citizen(s) of the town.