

**Town of Goshen, Connecticut**  
**42 North Street , Goshen, CT 06756-0187**  
**Phone: (860) 491-2308**

## **Title 71 - Open Burning**

**TITLE 71**  
**OPEN BURNING ORDINANCE**

BE IT ORDAINED BY THE TOWN OF GOSHEN:

- **Definitions:**

As used in this chapter, the following terms shall have the meanings indicated:

**BRUSH:** Shrubs, vegetation or prunings, the diameter of which can be consumed in the allotted time per the open burning certificate.

**COMMISSIONER:** Commissioner of the State of Connecticut Department of Energy & Environmental Protection.

**FIREMAN (FIREMEN):** Any volunteer fireman who engages in fire fighting under the supervision of the Fire Chief or his designee.

**OPEN BURNING OFFICIAL:** Any person appointed by the First Selectman and certified by the Commissioner.

**RESIDENT:** An individual seeking to burn on residential property owned by that individual.

- **Open Burning Certificate Required:**

The following types of open burning shall be allowed only after an applicant obtains an Open Burning Certificate:

- The open burning of brush on residential property. The applicant must be a resident or an authorized agent of a resident of the property where the open burning will occur. The Open Burning Official, in his or her discretion, may require proof of residency or proof that the applicant is an authorized agent of a resident.
- Clearing vegetative debris following a natural disaster.
- Vegetative management or enhancement of wildlife habitat or ecological sustainability on town property or on any privately owned property permanently dedicated to open space.
- Any other type of fire that is described in C.G. S. Section 22a-174(f) or lawfully adopted regulations pursuant to C.G. S. Section 22a-174(f).

- **The following conditions shall be placed on all Open Burning Certificates:**

- Open burning shall be attended at all times and shall only take place within the allotted hours prescribed by the Open Burning Official, but in no event shall burning take place before sunrise and after sundown. No visible embers, flames or smoke may be present after prescribed hours.
- Open burning shall only be permitted on sunny or partly sunny days when the wind speed is less than fifteen (15) miles per hour, except that fire-training exercises shall not be subject to this condition.
- The applicant must keep a copy of the Open Burning Certificate in his or her possession at the time of the open burning.
- Any other conditions required to be imposed by C.G.S. Section 22a-174(f) or the lawfully adopted regulations pursuant to C.G.S. Section 22a-174(f).

- **The Open Burning Official may impose such further conditions to an Open Burning Certificate either at the time of issuance of the Open Burning Certificate or afterwards, as are necessary to avoid a nuisance or to protect the health, safety and comfort of the public, relating to the following:**
  - The materials and quantities to be burned.
  - The hours and days during which the open burning is allowed.
  - Any other conditions allowed under C.G.S. Section 22a-174(f) or lawfully adopted regulations pursuant to C.G.S. Section 22a-174(f).
- **An Open Burning Certificate is applicable only for the occasion and purpose outlined in such Open Burning Certificate.**

The Open Burning Certificate may be revoked in writing by the Open Burning Official or the Commissioner, for violation of any provision of this ordinance or any regulations lawfully adopted pursuant to C.G.S. Section 22a-174, (f) as amended.

- **Conditions on All Open Burning:**
  - No open burning shall create a nuisance.
  - A responsible adult shall tend to the open burning at all times.
  - Suitable fire extinguishing equipment must be in close proximity and available at the time of the open burning.
  - The open burning must be a minimum of twenty five (25) feet from any property line and twenty five (25) feet from any building, except that barbecues or other similar outdoor fires shall not be subject to this condition.
  - No open burning shall be allowed to burn out of control so as to require the response of fire personnel and/or apparatus. The Fire Chief or Fire Marshall shall make any determination that a fire has been allowed to burn out of control.
  - No weeds, grass, leaves, processed wood, garbage, paper, metals, plastics, rubber, painted materials, man-made waste or demolition waste shall be burned.
  - No open burning of brush shall occur when national or state ambient air quality standards may be exceeded.
  - No open burning of brush shall occur where a hazardous health condition might be created.
  - No open burning shall occur where woodland or grassland is within one hundred (100) ft. of the proposed open burning; when the forest fire danger in the area is identified by the Commissioner as “high” or “extreme”.
  - No open burning of brush shall occur when there is an advisory from the Commissioner of any air pollution episode.
  - No open burning is allowed within the limits of any public road or public right-of-way.
  - A two foot (2’) perimeter around burn site must be raked to keep fire in contained area.

- **Open Burning Exceptions:**

The following type of open burning shall be allowed without the need for an Open Burning Certificate:

- Barbecues or other similar outdoor fires, which fires are for the cooking of food for human consumption.
- Campfires or other types of fires made out of non-processed wood for ceremonial purposes, provided that the size of such fires does not exceed four (4) feet in any direction.
- Fires in “salamanders” or other similar devices used by construction or other workers for heating purposes, which fires are used for street installation or paving activities, the repairing of utilities or other similar work.
- Fire breaks for the purpose of controlling forest fires, provided fire personnel do it.

- Any fire specifically exempted from such requirements in C.G.S. Section 22a-174(f) or any regulations lawfully adopted pursuant to C.G.S. Section 22a-174(f).

- **Extinguishing of Fires:**

The Fire Marshall, Fire Chief and/or any officer of the Goshen Volunteer Fire Company, the Torrington Area Health District or his or her designee, or the First Selectman may require any person who ignites or maintains an open burning in violation of the provisions of this Ordinance to extinguish such open burning. Failure to extinguish such open burning shall be a violation under this Ordinance.

- **Penalties for Offenses:**

Any person who violates any provision of this Ordinance shall be subject to the following fines, penalties and enforcement actions:

- First offense or violation: fifty dollars (\$50.00) and each day of continued violation.
- Second, or subsequent offense or violation: ninety dollars (\$90.00) for each separate violation and each day of continued violation.
- The Open Burning Official may seek enforcement of the provisions of this Ordinance by injunction and, in such event; the violator may be liable for the Town's reasonable attorney's fees.
- The provisions of Ordinance may be enforced by citation(s) pursuant to the provisions of the Ordinance Establishing Citation Issuance Procedures adopted April 10, 2006 and effective April 28, 2006 as the same may be amended from time to time.
- Any and all remedies which the Town has in enforcing the Ordinance, at law or in equity, shall be cumulative and two or more or all of such remedies may be exercised at the same time.

This Ordinance shall become effective fifteen (15) days after its publication in a newspaper having circulation in the Town of Goshen.

Adopted: May 28, 2014

Published: May 31, 2014

Effective: June 15, 2014