

## TOWN OF HARDWICK CIVIL ORDINANCE

### REGULATION OF OPEN FIRES AND INCINERATION SOLID WASTE

**WHEREAS**, the Town of Hardwick has by virtue of 24 V.S.A. §2201, 20 V.S.A. §2673, 24 V.S.A. §1971, 24 V.S.A. §2291 (12), 18 V.S.A. §613 and 24 V.S.A. §2202 (a), the power to amend, repeal, and enforce ordinances, assign power to manage and regulate health risks within its boundaries.

**NOW, THEREFORE**, to protect public health and safety and to promote the responsible use of resources and protection of the environment, the Select board of the Town of Hardwick, hereby adopts this ordinance to regulate open burning and incineration in the Town of Hardwick, Vermont.

#### **ARTICLE I DEFINITIONS**

1. “Air Contaminants” means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substances, or any combination thereof.
2. “Emission” means a release into the outdoor atmosphere of air contaminants.
3. “Incineration” means the burning of solid waste in an enclosed container, such as a furnace, stove, incinerator, steel drum, or similar device.
4. “Open burning” means burning of solid waste in the open where the products of combustion are emitted directly into the atmosphere without passing through a stack, chimney, or other enclosure. Open burning of trash using a “burn barrel”, “home-made incinerator, or simply in a pile on the ground, is not allowed in the state of Vermont.
5. “Person” means any individual, partnership, company, corporation, association, unincorporated association, joint venture, trust, municipality, the State of Vermont or any agency, department or subdivision of the state, federal agency, or any other legal or commercial entity.
6. “Solid waste” means any discarded garbage, refuse, seepage, sludge from a wastewater treatment plant, water supply plant, or pollution control facility and other discarded material including solid, liquid, semi-solid, or contained gaseous materials resulting from industrial, commercial, mining, or agricultural operations and from community activities. For the purposes of this ordinance, solid waste shall also include any compostable or marketable recyclable materials, whether materials are recyclable at transfer stations, ARCC (additional recyclables collection center) or household hazardous waste facilities.
7. “Natural wood” means any of the following, provided such material has not been chemically treated with preservatives, paint or oil: trees, including logs, boles, trunks, branches, limbs and stumps, lumber, including timber logs, or slabs, dressed for use and pallets or skids. This definition **does not** include processed wood products such as particleboard, fiberboard, and pressboard.

**ARTICLE II  
OPEN FIRES AND INCINERATION**

1. Except as provided by this article, the burning of solid waste either by open fire or in a furnace, stove or other device is prohibited in the Town of Hardwick unless the practice has been approved by the Department of Environmental Conservation and the Fire Warden.
2. To the extent allowed by Vermont Air Pollution Control Regulations, a specific permit may be granted by the Fire Warden for some materials if approved by the Air Quality & Climate Division at 802-272-4088.
3. Under the Vermont State Air Pollution Control regulations, the open burning of natural wood from property maintenance, cleaning up of property, and so forth is allowed with a permit issued by the Fire Warden. The Fire Warden operates under Forest and Parks Rules to prevent wildfires and must be contacted before lighting any fires.
4. As long as no public or private nuisance is created some open burning is permitted: wood fires for holiday and festive celebrations, campfires, outdoor grills, and fireplaces.
5. The Fire Warden shall not issue a permit unless satisfied that no hazardous conditions will be created by such burning and air contaminants will not create a danger to the health and property of the citizens of the Town of Hardwick. Permits, which are issued under the provisions of this ordinance, shall be for a specified date, time, and location, and only for specified materials.

**ARTICLE III  
PENALTIES AND CIVIL ENFORCEMENT**

This ordinance is a civil ordinance and enforcement shall follow the procedures described in 24 V.S.A. §1974 (a) including but not limited to:

1. Any person who violates the provisions of this ordinance shall be subject to a civil penalty of not more than \$800.00. The waiver penalty shall be set at \$400.00 as set forth in 24 V.S.A. §2201 and may be imposed for a single violation of this ordinance. Waiver penalties apply when an alleged violator pays the penalty without contesting the violation. Each day the violation continues shall constitute an additional and separate violation of \$100.00 per consecutive day of violation.

**ARTICLE IV  
DESIGNATION OF AUTHORITY OF ENFORCEMENT PERSONNEL**

For the purposes of this ordinance, the Select board designates the Hardwick Forest Fire Warden as Primary and the Hardwick Police Department as secondary. The Forest Fire Warden is authorized and required to investigate complaints, seek correction of violations and to otherwise enforce this ordinance with assistance as necessary from the Hardwick Fire Department and or the Hardwick Police Department. The Forest Fire Warden, the Hardwick Fire Department and or the Hardwick Police Department are authorized to enter onto private property if necessary to complete their investigation. They will make a reasonable attempt to contact the owner or occupant of property before entrance.

**ARTICLE V  
REPEAL OF INCONSISTENT PROVISIONS**

All ordinances or parts of ordinances, resolutions, regulations, or other documents inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

**ARTICLE VI  
SEVERABILITY**

This ordinance and its various parts, sentences, sections, and clauses are hereby declared to be severable. If any part, sentence, section, or clause is adjudged invalid, it is hereby provided that the remainder of this ordinance shall not be affected hereby.

**ARTICLE VII  
EFFECTIVE DATE**

This ordinance shall become effective upon adoption by the Hardwick Select Board.

Adopted, this 3rd day of June 2021.

Eric Remick, Chair

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Ceilidh Galloway-Kane, Vice Chair

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Shari Cornish

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Michael Deering

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Elizabeth Dow

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