

TOWN OF PORTSMOUTH, RI

Ordinance # 2021-

AN ORDINANCE AMENDING THE TOWN CODE OF THE TOWN OF PORTSMOUTH

Be it ORDAINED by the Town Council of the Town of Portsmouth:

Section 1. The Town Code, Chapter 124 entitled “Burning, Outdoor” is hereby amended as follows:

§ 124-1 Compliance required.

All persons shall comply with the following fire protection and safety requirements.

§ 124-2 Bonfires and other outdoor fires.

Outdoor burning of yard waste and bonfires shall be permitted only under the conditions set forth in this chapter. Only clean brush and untreated wood may be burned. Large logs and tree stumps, over 8 inches in diameter, shall not be allowed to be burned.

§ 124-3 Permit required; prohibited acts.

No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on or in public or private property without having obtained a permit from the Fire Department. Permits can only be issued to residential homeowners in accordance with this chapter. During construction or demolition of buildings or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity.

An open fire is any fire not meeting the definition of a “contained” fire under § 124-7.

Any open fire larger than 36” x 36” x 36” shall be deemed a bonfire and subject to § 124-4 ~~and § 124-7.~~

Commercial and industrial properties shall be allowed to obtain a burn permit, for the general maintenance of their property only, and at the discretion of the Fire Chief or his or her designee and shall follow the requirements for a bonfire set forth in § 124-4.

§ 124-4 Inspections required for bonfires.

Any open fire, larger than 36” x 36” x 36” shall be deemed a bonfire. No holder of a bonfire permit shall ignite the fire before it has been inspected by the Chief of the Fire Department or his or her designee, and no additional material shall be added to the fire after said inspection.

Bonfires shall be limited in size based upon location, anticipated attendance, and available access for the Fire Department. Size limits will be determined by the Fire Chief or his or her designee.

§ 124-5 Owner to sign permit.

All permits shall be signed by the owner of the land on which the fire is located, unless

compliant with § 124-11. The Chief of the Fire Department or his or her designee may require proof of ownership.

§ 124-6 Open fire. Location restricted.

No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any private or public land, unless the location is not less than 50 feet from any structure, fence or property line ~~and adequate provision is made to prevent fire from spreading to within 50 feet of any structure.~~ If the location of the open burn cannot meet the 50-foot setback due to the size of the property, the owner may request an exemption from that setback through the Fire Chief. If the Fire Chief, or his or her designee, finds the location does not pose a hazard, he or she may issue an exemption permit for that location. The fire location on the property shall not change once it has been inspected and given an exemption.

§ 124-7 Contained burning allowed without permit.

Burning is allowed when the fire is contained in a waste burner with a properly screened top or an outdoor fireplace and located safely on private property no less than 25 feet from any structure, fence or property line. Other commercially available containers, commonly referred to as fire pits, fire rings, chimenea, etc. may be utilized. If the location of the container is unable to meet the 25-foot setback due to the size of the property, the owner may request an exemption from the setback requirement through the Fire Chief. If the Fire Chief or his or her designee finds the container or outdoor fireplace does not pose a hazard, he or she may issue an exemption permit for that calendar year. The fire location on the property shall not change once it has been inspected and given an exemption permit.

§ 124-8 Attendance of open or contained fires.

Any open or contained fire shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to a water supply or other sufficient extinguishing equipment readily available for use.

§ 124-9 Fires prohibited by Chief.

The Chief of the Fire Department, or his or her designee, may prohibit any or all bonfires and outdoor fires, whether in the open air or in Fire-Department-approved waste burners or outdoor fireplaces, when atmospheric conditions or local circumstances make such fires hazardous, or the smoke or fumes from such fires are a nuisance to adjoining or surrounding property or persons.

§ 124-10 Extinguishing by Fire Department.

The Chief of the Fire Department, or his or her designee, may extinguish or cause to be extinguished any or all bonfires and outdoor fires, whether in the open air or contained, when atmospheric conditions or local circumstances make such fires hazardous or the smoke or fumes from such fires a nuisance to adjoining or surrounding property or persons.

§ 124-11 Permission to kindle on land of others required.

No person shall kindle a fire upon the land of another without written permission of the owner. The Chief of the Fire Department, or his or her designee, may require proof of ownership and agency.

§ 124-12 Violations and penalties.

Any person convicted of a violation of this chapter shall be subject to a fine as outlined below:

- A. First offense: a fine of \$100 or 10 days in jail, or both.
- B. Any offense thereafter: up to a fine of \$500 or 10 days in jail, or both.

Section 2. This Ordinance shall take effect upon passage.

**ADOPTED BY TOWN COUNCIL
ACTION ON:**

Jennifer M. West, Town Clerk

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