

CITY OF CLAREMONT – IN THE YEAR TWO THOUSAND AND SEVENTEEN

ORDINANCE #556

OPEN BURNING

The City of Claremont Ordains:

Pursuant to New Hampshire RSA 47:17, RSA 227-L:17 and N.H. Regulation Part Env-A 1001, the Claremont City Code is hereby amended to revise Chapter 6, Fire Prevention and Protection, as follows:

Section 1. Article I. Fire Codes & Enforcement.

A new Article I, Fire Codes & Enforcement, is added to Chapter 6 to include existing Sec. 6-1 through 6-12, inclusive.

Section 2. Article II. Open Burning.

A new Article II, Open Burning, is added to Chapter 6 as follows:

Sec. 6.13. Purpose

The purpose of this Article II is to promote and safeguard the public health, safety and welfare of the citizens of Claremont and to establish policies and procedures to permit open burning within the City limits.

Sec. 6.14. Applicability; Permit Required

- A. This Article II shall apply to all open burning within the City of Claremont.
- B. No person shall allow or allow any other person to kindle or light an outside fire within the city limits without first obtaining a written permit from the chief of the fire department or his/her designee, except no permit is required for the normal operation of the following:
 - Gas and charcoal grills;
 - Any stove, furnace, fireplace or other heating device within a building used for human or animal habitation unless the material being burned includes combustible domestic waste as defined herein; or
 - The use of propane, natural gas, or kerosene in a device intended for heating in construction or maintenance activities.
- C. All open burning under a duly-issued permit shall be conducted in a safe and nuisance free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard, nuisance or visibility hazard. The State of New Hampshire Daily Fire Danger rating must be at a Class 3 level or lower. The Daily Fire Danger rating may be found by calling the Claremont Fire Department at (603)542-5156 or online at the NH Division of Forests and Lands at:

www.nhdf.org/fire-control-and-law-enforcement/daily-fire-danger.aspx. Open burning shall be conducted in conformance with all local, state and federal laws, rules and regulations related to open burning.

Sec. 6.15. Definitions

Campfire shall mean a small “Category 1” outdoor fire no greater than 24” in diameter and contained within a ring of fire resistive material, intended for recreation or cooking, and does not include a fire intended for the disposal of waste wood or refuse.

Category 2 fire shall mean a camping or cooking fire no greater than 4’ in diameter and contained within a ring of fire resistive material.

Category 3 fire shall mean any fire other than a Category 1 or 2 fire, greater than 4’ in diameter and not contained within a ring of fire resistive material.

Clean Wood shall mean natural wood which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Open Burning shall mean kindling or maintaining a fire where the products of combustion are emitted directly into the ambient air without being contained in an approved appliance where all products of combustion pass through an approved stack or a chimney.

Combustible Domestic Waste shall mean any household waste material or trash that is prohibited from being burned under RSA 125-N:4.

Nuisance Smoke shall mean smoke from any permitted fire that travels to an adjoining property and prevents the occupant of that property from experiencing the quiet enjoyment of his/her residence.

Sec. 6.16. Permitted Areas of Open Burning

Category 1 fires may be kindled within the following zoning districts provided they meet all the requirements of Sec. 6.17 of this Article: B-2 Business; CR-1 City Center Residential 1; I-1 Industrial 1; I-2 Industrial 2; I-3 Industrial 3; R-1 Residential 1; R-2 Residential 2; RR Rural Residential; RR-2 Rural Residential 2; and AR Agricultural Residential, as further described in Sec. 6.18 of this Article, “City of Claremont Open Burning Matrix.”

Category 2 and Category 3 fires may be kindled within the following zoning districts provided they meet all the requirements of Sec. 6.17 of this Article: B-2 Business; I-1 Industrial 1; I-2 Industrial 2; I-3 Industrial 3; R-1 Residential 1; RR Rural Residential; RR-2 Rural Residential 2; and AR Agricultural Residential, as further described in Sec. 6.18 of this Article, “City of Claremont Open Burning Matrix.”

Sec. 6.17. Requirements for Category 1, 2, and 3 Fires.

All open burning permits issued by the chief of the fire department or his/her designee are subject to the following requirements:

1. Only clean wood not exceeding 5 inches in diameter shall be burned;
2. All category 1, 2 and 3 fires shall be approved by the chief of the fire department or his/her designee and may not be kindled without a current written permit;
3. Category 1 fires shall be at least 25 feet from any structure on the permittee's property;
4. Category 2 and 3 fires shall be at least 50 feet from any structure on the permittee's property;
5. Category 1 and 2 fires shall be at least 100 feet from any structures on all abutting properties;
6. Category 3 fires shall be at least 150 feet from any structures on all abutting properties;
7. Category 1, 2 and 3 fires shall not be permitted in any mobile home park or in clusters of mobile homes on individual lots;
8. No permitted fire shall create nuisance smoke to any person or property beyond the lot lines of the property on which the fire is being kindled.

Sec. 6.18. City of Claremont Open Burning Matrix

ZONE	FULL ZONE LABEL	CATEGORY 2 & 3 FIRES ALLOWED	CATEGORY 1 FIRES ALLOWED
B-2	BUSINESS - 2	YES	YES
CB-2	CITY CTR. BUSINESS - 2	NO	NO
CR-1	CITY CTR. RESIDENTIAL – 1	NO	YES
CR-2	CITY CTR. RESIDENTIAL – 2	NO	NO
I-1	INDUSTRIAL 1	YES	YES
I-2	INDUSTRIAL 2	YES	YES
I-3	INDUSTRIAL 3	YES	YES
MU	MUNICIPAL	NO	NO
MUHD	MUNICIPAL / HOSPITAL DIST.	NO	YES
PR	PROFESSIONAL RESIDENTIAL	NO	NO
R-1	RESIDENTIAL – 1	YES	YES
R-2	RESIDENTIAL – 2	NO	YES

RR	RURAL RESIDENTIAL	YES	YES
RR-2	RURAL RESIDENTIAL – 2	YES	YES
AR	AGRICULTURAL	YES	YES

Sec. 6.19. Complaints; Permit Revocation.

All complaints associated with permitted burns will be handled on an individual basis by a fire department official. If fire escapes from control or if it is determined that any person is open burning without a current permit, that person may be held liable for the following:

1. Payment of damages to the property of another;
2. Payment of suppression costs to the city;
3. Prosecution for failure to comply with the provisions of this Article II.

The chief of the fire department or his/her designee is empowered, as the Authority Having Jurisdiction (AHJ), to revoke any open burn permit immediately and without further notice upon discovery of a violation of a provision of this Article II.

Sec. 6-20. Penalties

This Article shall be enforced and shall be subject to penalties pursuant to Article I, Sec. 6-12.

Section 3. Validity.

If any article, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

Section 3. Effective Date.

This Ordinance shall take effect immediately on passage.

Introduced and passed on first reading _____ 2017.

Adopted by the Claremont City Council on _____, 2017.

Carolyn Towle

Nicholas Koloski

Keith Raymond

Bruce Temple

John Simonds

Alan Damren

Scott Pope

Abigail Kier

Mayor Charlene Lovett

Attest: _____
Clerk to the Council