

Arlene D. Petit

Town Clerk

PROPOSED ORDINANCE PERTAINING TO  
THE CONTROL OF OPEN BURNING

Town of Jamestown  
Code of Ordinances

Chapter 26

FIRE PREVENTION AND PROTECTION

Article I. In General

**Sec. 26-20.** Open Burning and Permit Requirements.

- (a) *Fire Safety Requirements.* All persons shall comply with the following fire protection and safety requirements. Campfires less than two (2) feet in diameter in designated areas (e.g. Fort Getty Campground), residential recreational fires (e.g. small fire pits, fire bowls, and chimineas) and outdoor grills used for cooking are exempt from permit requirements.
- (b) *Bonfires or Outdoor Rubbish Fires.* Burning of rubbish, waste, debris and bonfires along with other outdoor waste products shall be prohibited unless otherwise permitted under the conditions set forth in this ordinance.
- (c) *Permit Required.* 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 (except for those exempted under Section (a) of this ordinance) without having obtained a permit from the Jamestown Fire Department. For said fires, the Jamestown Fire Chief, Deputy Chiefs, Fire Marshal or their designee shall determine the proper times, settings, size and height of all items being burned. When limits for atmospheric conditions or hours restrict burning, such limits shall be designated in the permit restrictions. Instructions, restrictions or stipulations listed on such permits shall be adhered to. (See R.I. Gen. Laws § 23-28.1-2; NFPA 1, Sec. 10.11.1.3, 10.11.1.4, 10.11.2.2)
- (d) *Inspections.* No holder of a bonfire permit shall ignite the fire before it has been inspected by the Jamestown Fire Chief, Deputy Fire Chiefs, Fire Marshal or their designee, and no additional material shall be added to the fire subsequent to said inspection.
- (e) *Owner to Sign Permit.* All permits shall be signed by the owner of the land where the outdoor fire will be located. The Jamestown Fire Chief, Deputy Chiefs, Fire

Marshal or their designee may require proof of ownership at the time of permitting.

- (f) *Permit Fee.* A fee of \$25.00 shall be required to be paid to the Town of Jamestown by any applicant prior to issuance of a permit. A \$10.00 portion of such fee shall be allocated to the Jamestown Fire Department Fire Education Fund. Each year, property owners in the Town of Jamestown may apply for one (1) open burning permit for their own use without submitting the required permit fee. The Jamestown Fire Chief, Deputy Chiefs, Fire Marshal or their designee may waive a permit fee for special circumstances. Liability insurance may be required on a case-by-case basis. Permits may be obtained from the Jamestown Fire Department Monday through Friday from 7 A.M. until 3 P.M. and should be obtained 72 hours prior to the desired burn date to allow sufficient time for providing notice (See Section (k)).
- (g) *Location.* No person shall, (except for those exempted under Section (a) of this ordinance), kindle or maintain any permitted open fire or authorize any such fire to be kindled or maintained on any private land unless the location is not less than fifty feet (50') from any structure and adequate provision is made to prevent fire from spreading to within fifty feet (50') of any structure. Recreational fires shall not be located within twenty five (25') of a structure or combustible material as determined by the Jamestown Fire Chief, Deputy Fire Chiefs, Fire Marshal or their designee. (NFPA 1, Sec. 10.11.2.1, 10.11.2.4)
- (h) *Attendance.* A competent person of at least eighteen (18) years of age shall constantly attend any open fire until such fire is extinguished. This person shall have a garden hose connected to a water supply or other approved extinguishing equipment readily available for use. (NFPA 1, 10.11.3)
- (i) *Revocation.* The Jamestown Fire Chief, Deputy Chiefs, Fire Marshal or their designee may prohibit in writing and/or issue a cease and desist order upon any person, group or business for any bonfire and/or outdoor fire.
- (j) *Hazardous/Nuisance Fires.* The Jamestown Fire Chief, Deputy Chiefs, Fire Marshal or their designee shall have the authority to prohibit, extinguish or cause to be extinguished any and/or all open fires when atmospheric conditions or local circumstances make such fires hazardous or the smoke or fumes from such fires cause a nuisance to surrounding neighbors, property or persons. (NFPA 1, Sec. 10.11.4)
- (k) *Notice to Direct Abutters.* Permits for open burning may require that permittees give abutting neighbors forty-eight (48) hours notice of the actual time of burning.
- (l) *Health and Safety.* For other than one- and two-family dwellings, no hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any

overhanging portion or within 10 ft (3 m) of any structure. Listed (UL) electric ranges, grills, or similar electrical apparatus shall be permitted. No outside cooking device shall be used for incineration of waste or rubbish of any type. Spark arrestors shall be used on all commercial incinerators and commercial fireplaces and shall be maintained in good condition, working order and repair at all times. (NFPA 1, Sec. 10.11.7, 10.11.8, 17.3.4.7)

- (m) *Incineration.* Incineration devices of rubbish and other waste products are prohibited.
- (n) *Penalties.* For property owners who violate this ordinance, on the first offense a two hundred and fifty dollar (\$250.00) fine will be assessed payable to the Town of Jamestown. The second offense within the same year will result in a four hundred and ninety-nine dollar (\$499.00) fine payable to the Town of Jamestown. A third offense within the same year will result in the issuance of a summons to appear in Court. Non-payment of fines within thirty (30) days shall result in the issuance of a summons to appear in Court.
- (o) *Complaints.* Complaints in regard to violations of this ordinance shall be forwarded to the Jamestown Police and Fire Departments.
- (p) *Effective Date.* This ordinance shall take effect upon passage.