

No. 21. An act relating to issuance of burning permits.

(H.161)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 2645 is amended to read:

§ 2645. OPEN BURNING; PERMITS

(a) Except as otherwise provided in this section, a person shall not kindle or authorize another person to kindle a fire in the open air for the purpose of burning natural wood, brush, weeds, or grass without first obtaining permission from the town forest fire warden or deputy forest fire warden, stating when and where such fire may be kindled. Wood, brush, weeds, or grass ~~may~~ shall not be burned if they have been altered in any way by surface applications or injection of paints, stains, preservatives, oils, glues, or pesticides. Whenever such permission is granted, the fire warden, within 12 hours, shall issue a written “Permit to Kindle” for record purposes stating when and where such fire may be kindled.

(b) With the written approval of the Secretary, during periods of increased fire hazard, the Commissioner may notify town fire wardens that for a specified period no burning permits shall be issued. The fire wardens shall issue no permits during the specified period.

(c) The provisions of this section will not apply to:

(1) the kindling of a fire in a location where there is snow surrounding the open burning site;

(2) fires built in stone arches, outdoor fireplaces, or existing fire rings at State recreational areas or fires built in stone arches, outdoor fireplaces, or fire rings on private property that are not located within woodland, timberland, or a field containing dry grass or other flammable plant material contiguous to woodland;

(3) the kindling of a fire in a location that is 200 feet or more from: any woodland, timberland, or field containing dry grass or other flammable plant material contiguous to woodland; or

(4) areas within cities maintaining a fire department.

(d)(1) As used in this section, “natural wood” means:

(A) trees, including logs, boles, trunks, branches, limbs, and stumps;

(B) lumber, including timber, logs, or wood slabs, especially when dressed for use; and

(C) pallets that are used for the shipment of various materials, so long as such pallets are not chemically treated with any preservative, paint, or oil.

(2) “Natural wood” ~~shall~~ does not mean other wood products such as sawdust, plywood, particle board, or press board.

(e) Nothing in this section shall be construed to limit the authority of the air pollution control officer to prohibit open burning in accordance with the rules adopted under chapter 23 of this title.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.

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Date Governor signed bill: May 25, 2023