

TOWN OF CUMBERLAND

AN ORDINANCE: ESTABLISHING REQUIREMENTS TO ADDRESS THE
USE OF OUTDOOR RECREATIONAL FIREPLACES
WITHIN THE TOWN OF CUMBERLAND

The Town of Cumberland ordains:

Section 1. Chapter 16 of the Town of Cumberland Code of Ordinances entitled "Fire Prevention and Protection" is hereby amended to add the following new Article III:

Article III Use of Fire Pits

§ 16-100 Purpose

This Ordinance is intended to promote and safeguard the public health, comfort, living conditions, safety, and welfare of the Town's residents related to the use of outdoor fire for recreational purposes.

§ 16-101 Definitions

- a. "Outdoor fireplace" means small, contained outdoor fireplaces, fire pits, and chimineas, fueled by clean, seasoned, dry wood, or charcoal, propane, kerosene, electricity or natural gas, which is intended for recreation or cooking, and not including a fire intended for disposal of refuse.
- b. "Clean wood" means 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.
- c. "Seasoned wood" means wood that has been removed of moisture content, feels light in weight, and is pale in color with some visible cracks.
- d. "Dry wood" means woods that has been protected from the elements and that has not been saturated with water.
- e. "Bonfire" means a large, uncontained outdoor fire, that is more than 3 feet in diameter and 2 feet high, which is generally intended for large events and disposing of unwanted refuse.
- f. "Refuse" means any waste material except clean wood.

§ 16-102 Permitted and prohibited uses

- a. Outdoor fireplaces are permitted at single- and two-family dwellings.
- b. Outdoor fireplaces are prohibited at multi-family dwellings ~~and at commercial and industrial properties.~~
- c. Live fires for the purpose of training employees in the use of operation of fire extinguishers and fire equipment shall be authorized upon approval of the fire chief and the state department environmental management. Such live fire training shall be in the accordance with all applicable National Fire Protection Association

ORD #20-22A as amended

49 standards. A certified fire extinguisher instructor shall always be present during
50 the training for instruction in the use and operation of fire extinguishers and fire
51 equipment.
52 d. Bonfires are prohibited unless approved in accordance with §16-31 of this Code
53 of Ordinances.

§ 16-103 Requirements for Use of Outdoor Fireplaces

57 Property owners and their agents may use an outdoor fireplace in the following manner:

- 58
59 a. Outdoor fireplaces shall be operated in a safe manner, and according to
60 manufacturers' instructions, as applicable.
61 b. Outdoor fireplaces may be used between the hours of 8:00 a.m. and 12:00 a.m.
62 ~~e. Outdoor fireplaces may not be used when wind speed exceeds 15 m.p.h.~~
63 ~~d. Outdoor fireplaces may not be used when air quality index is above 75.~~
64 c. No person shall burn, or cause, or permit the burning of refuse.
65 d. Fires contained in outdoor fireplaces shall not be more than 3 feet in diameter by
66 2 feet high in dimension.
67 e. The minimum required distance for an outside fireplace shall be 20 feet from any
68 combustible and/or flammable material. The fire chief may reduce minimum
69 required distance after inspection, with appropriate conditions, and shall put such
70 permission in writing.
71 f. Fuels not listed in the definitions of "outdoor fireplace" are strictly prohibited.
72 g. Open, recreational, and cooking fires shall be constantly attended by a competent,
73 responsible adult until such fire is extinguished.
74 h. Adequate water supply or other fire-extinguishing equipment shall be readily
75 available for use.
76

77 § 16-104 Discretion of Police, Fire Personnel. A police officer or member of the fire
78 department, in his/her reasonable discretion, shall order the extinguishment of a fire, which
79 creates or adds to a hazardous or objectionable situation.

80 § 16-105 Penalties. Any violations of this will result in a fine in the amount not to exceed
81 \$100. All fines collected shall be collected by the Cumberland Fire District.

82 **Section 2.** This ordinance shall take effect upon passage.

LEGISLATIVE EXPLANATION

84 This ordinance authorizes the use of outdoor recreational fireplaces and other open flame devices
85 in accordance with the ordinance as written.

**MOTION BY COUNCILOR SHAW, SECONDED BY COUNCILOR SCHMITT, AND IT IS
VOTED TO APPROVE #20-22A AS AMENDED, BY A ROLL CALL. VOTE 6/1.**

Nay vote: Councilor Bradley

Date Adopted: January 6, 2021

A True Copy, ATTEST:


Michael L. Kinch, Council President


Jeffrey J. Mutter, Mayor


Sandra M. Giovanelli, Town Clerk