

**ORDINANCE 2025-17 & 2025-18**  
**AN ORDINANCE TO AMEND THE CODE OF THE TOWN OF LINCOLN**  
**OUTDOOR BURING**

IT IS HEREBY ORDAINED by the Town Council of Lincoln, Rhode Island, that the Code of the Town of Lincoln, Rhode Island is hereby amended to read as:

**OPEN OUTDOOR BURINGING**

**I. Outdoor Fires Prohibited.**

No person shall kindle, maintain, or permit any outdoor fire within the Town of Lincoln except as expressly authorized in this chapter. Every person who kindles or maintains any outdoor fire within the Town that is not expressly authorized or permitted as described herein may be found to be in violation of the Town Code.

**II. Authorized Burning**

**A. Recreational Burning**

1. The purpose of this Section is intended to promote and safeguard the public health, living conditions, safety and welfare of the Town's residents related to the use of outdoor fire for recreational purposes.
2. The outdoor burning of clean, dry, and authorized fuels for the purpose of cooking, warmth, or aesthetic enjoyment, such as in a chiminea, grill, outdoor fireplace, fire pit, or campfire. Recreational burning shall only be authorized under this section from the hours of 6:00 a.m. to 11:00 p.m. Burning in fire pits and campfires must occur in devices/areas no larger than Nine (9) square feet. All recreational burning is prohibited within Ten (10) feet of property lines and/or structures, except for recreational burning in permanent and fixed devices legally constructed prior to the adoption of this ordinance. This exception shall not apply to fire pits or campfires.
3. Only the following fuels are authorized for use in recreational burning:
  - a) Dry Wood: Wood that has been protected from the elements and that has not been saturated with water.
  - b) Clean Wood: 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 logs or branches: Wood that has been removed of moisture content, feels light in weight, and is pale in color with some visible cracks.
  - d) Wood Pellets
  - e) Propane or Natural Gas
  - f) Charcoal
4. Nuisance
  - a) Nuisance shall mean a situation as seen by the Fire Official in charge on scene in which a fire creates an environment on or in a property, other than the property where the fire is occurring, which is considered to be

unhealthy, hazardous, reasonably annoying, uncomfortable, unsafe, creating a traffic hazard, creating a persistent odors or cost resources to eliminate the odors from the property. This shall apply to, but not be limited to smoke, soot, fumes, odors, vapors, noxious gases, products of combustion, heat and incomplete products of combustion.

- b) The Fire Department shall have the authority to discontinue any fire pits based not following the ordinance and for concerns of the fire being a “Nuisance”.
- c) Should a fire be determined a nuisance it shall be extinguished immediately.

**B. Fires Requiring Permits**

Permits may be issued by the Fire Department for land clearance and yard waste burning so long as the required guidelines below are met:

- 1. Permit applications are available through the Town website and shall be submitted in accordance with the procedures set up through said portal.
- 2. Permits shall specify the location, the name and address of the permittee, and shall be issued by the Fire Department solely at their discretion.
- 3. There shall be no burning as authorized under this section from September 1 through December 31 (Unless, conditions exist that would burning would be safe in the opinion of a district fire official).
- 4. Permits shall only authorize burning under this section from the hours of 8:00 a.m. to 4:00 p.m.
- 5. Permits may be issued only for the burning of brush and tree limbs that originate from the permittee's property upon which the burning will take place. Burning of all other materials is expressly prohibited, including but not limited to leaves, oils, paints, trash, furniture, pressure treated lumber, painted wood, construction debris, rubbish, tires, gasoline, or other hazardous substances.
- 6. Maximum size: Five (5) feet high x five (5) feet wide. The total burning area shall not exceed twenty-five (25) square feet.
- 7. Must be located at least 50 feet from any structure and 50 feet from any property line in accordance with NFPA Standards.
- 8. Adult supervision required at all times.
- 9. An adequate water supply must be available for extinguishment.

**C. Training Fires**

Fires authorized by the Fire Department for training or other fire department purposes are permitted under the oversight of the Department.

**II. Restrictions and Enforcement**

- A. No burning of any kind shall be permitted on Red Flag days or during periods of high wind as determined by the Fire Department or the Rhode Island Department of Environmental Management (RI DEM).
- B. All fires must be immediately extinguished if requested by the Fire Department or Police Department.
- C. Burning permits may be revoked at any time without warning by the Fire Department should the Fire Department determine that the burning is creating or will create a nuisance or fail to comply with the permit and all other legal requirements.

### **III. Penalties**

- A. Violations of the provisions of this chapter shall be punishable as provided as follows:
  - 1. First Offense = Warning
  - 2. Second Offense = \$250.00
  - 3. Third and Subsequent Offenses = Up to \$500 or 10 Days in Jail or both.
- B. The Fire Department shall have primary enforcement authority for fire-related violations under this chapter. The Police Department shall have authority to issue citation enforce civil fine and take further action as necessary under Town ordinance. The above violations are appealable to the Town of Lincoln Municipal Court.

Date Adopted: May 19, 2026