

**FIRE ORDINANCE
NORTHPORT VILLAGE CORPORATION**

A separate ordinance bans the use of fireworks within the borders of Northport Village

Bayside is a densely populated village where the majority of the housing stock is over 100 years old, and of wooden, balloon construction; thereby posing an inherent danger of fire spreading as a result of any stray spark or flame. Several times in Bayside's history fires have rapidly spread and devastated clusters of cottages. This reason alone warrants the prohibition of any fire pits and open fires. In addition, wood smoke and fly-ash from open fires are irritants to lungs, eyes, and skin; and a proven carcinogen. Therefore, in accordance with State laws, the Village of Bayside adopts the following ordinance to control and to limit the kindling of outdoor fires.

Preamble

The State of Maine Laws govern, in part, the imposition of limits and regulations on outdoor burning of all kinds. It also permits governing bodies such as the Village to adopt rules, regulations, and ordinances regarding the same.

I. STATE LAW:

Maine State Law (12 M.R.S. § 9325) provides:

1. Permissible open burning with permit. When not prohibited by statute, rule of any state agency or local ordinance, the types of burning described in this subsection are allowed provided that a permit has been obtained from the town forest fire warden or from the forest ranger having jurisdiction over the location where the fire is to be set. The burning must be conducted according to the terms and conditions of the permit and may not create a nuisance. **A permit is required for :** [emphasis added]

- A.** Recreational campfires kindled when the ground is not covered by snow;
- B.** Fires in conjunction with holiday and festive celebrations;
- C.** Burning of solid or liquid fuels and structures for research or bona fide instruction and training of municipal, volunteer and industrial firefighters when conducted under the direct control and supervision of qualified instructors;
- D.** Burning for agricultural purposes including, but not limited to, open burning of blueberry fields, potato tops and hayfields and prescribed burning for timberland management;
- E.** Out-of-door burning of wood wastes as defined in Section 9324, Subsection 7-A and painted and unpainted wood from construction and demolition debris in the open or in an incinerator with a primary chamber volume no greater than 133 cubic feet or 1,000 gallons that is not licensed by the Department of Environmental Protection;
- F.** Open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land unless expressly prohibited by municipal ordinance;
- G.** Burning on site for the disposal of wood wastes and painted and unpainted wood from construction and demolition debris generated from the clearing of any land or by the erection, modification, maintenance, demolition or construction of any highway, railroad, power line, communication line, pipeline, building or development;

- H. Burning for hazard reduction purposes such as, but not limited to, the burning of grass fields;
- I. Burning for the containment or control of spills of gasoline, kerosene, heating oil or similar petroleum products;
- J. The burning of wood wastes and painted and unpainted wood from construction and demolition debris at solid waste facilities; and
- K. The burning of empty containers, including fiberboard boxes and paper bags, previously containing explosives and being disposed of in accordance with the provisions of Title 25, Section 2472.

2. Permissible open burning without permit. When not prohibited by state rule, local ordinance or water utility regulation, the following types of burning are permissible without a permit if no nuisance is created:

- A. Recreational campfires kindled when the ground is covered by snow or on frozen bodies of water;
- B. Residential use of outdoor grills and fireplaces for recreational purposes such as preparing food; and
- C. Use of outdoor grills and fireplaces for recreational purposes such as preparing food at commercial campgrounds in organized towns as long as the commercial campgrounds are licensed by the health engineering division of the Department of Human Services.

II. LOCAL ORDINANCE

Scope of Ordinance: This Ordinance governs any and all outdoor fires within the geographic limits of the Northport Village Corporation, regardless of whether they occur on private or public property. It is promulgated pursuant to The Charter of the Northport Village Corporation, 1915 P.L. ch. 136 and the By-Laws of the Village as most recently promulgated in 2017, and in accordance with the terms and provisions of 12 M.R.S.A. § 9325, as amended.

1. When a fire requires the issuance of a permit under State Law 12 M.R.S. § 9325(1), the applicant must obtain that permit from the Town of Northport in accordance with its rules and ordinances and then the applicant must apply for permission from the Board of Overseers of the Village in accordance with this ordinance.
2. To the extent that this ordinance prohibits any fire, the fact that the Town has issued a permit shall not be relied on to proceed with a fire. (A State permit is necessary, but not sufficient.)
3. No fire pits, fire places (by these or by any other names) are allowed to be used anywhere within the geographic limits of the Village except those more than 75 feet from any abutting structure or dwelling. All fire pits must have a grate or screen covering the fire at all times so as to prevent sparks and debris escaping the pit. Definition: a fire pit is an outdoor, permanent or semi-permanent, structure composed of non-combustible materials (metal, stone, terra cotta, and etc) used for containing an open fire, whether or not used for the preparation of food.
4. Outdoor grills used for the preparation of food are permitted, provided that they are properly monitored. **[Citizens note: Any “home built” grill will be considered a fire pit]**

5. Large fires commonly known as Bonfires may not occur anywhere in the Village, including private property, unless the Board of Overseers has granted permission therefor. Application for such permission must expressly state the proposed date and specific proposed location for the Bonfire and the provisions for safety which the applicant will adhere to. Such Bonfires also require the issuance of a permit by the Town of Northport in accordance with 12 M.R.S. § 9325(1)
6. Small Campfires or recreational fires, whether on any public or private property, require a State fire permit (see 12 M.R.S. § 9325(2)), but are exempt from requiring an Overseer's approval provided they meet the following terms and conditions: Definition: a campfire shall be no larger than two feet in diameter, and the flames shall at no time extend to no further than two feet above the ground. Anything larger will be determined to be a bonfire.
 - a. Under no circumstances shall a fire be left unattended. When it is no longer in use, the fire shall be completely and thoroughly extinguished.
 - b. The campfire or recreational fire shall be located in the intertidal zone and shall be located at least twenty-five feet away from any upland vegetation or other combustible matter. **Citizens' note: Two locations that satisfy these requirements at low or mid tide are on the beach in front of lower Bayview Park and on the beach between the wharf and residences on Park Row, again at least 25 feet from any vegetation or other combustible matter.**
 - c. In addition to being in the intertidal zone, the campfire or recreational fire shall be located at least seventy-five feet away from any dwelling, boat or other structure. **Citizens' note: The wharf measures seventy-five (75) feet from the causeway end to the deep water end.**
 - d. The person tending the fire shall have suitable equipment to extinguish a fire should it spread, become dangerous, or is no longer needed; and shall have a communicating device capable of contacting emergency services (911).
7. No outdoor burning of trash, garbage, or other household waste, shall be permitted within the geographic limits of the Village. The open burning of leaves, brush, deadwood and tree cuttings accrued from normal property maintenance by the individual landowner or lessee of the land requires a burning permit issued by the Town and is prohibited within the boundaries of the Village unless the fire is located more than 75 feet from an abutting property.
8. It is the responsibility of the property owner that any occupants are aware of this ordinance and that their behavior is in compliance with this ordinance.
9. A written violation of this Ordinance may be issued by any Village employee and shall be enforceable by the Overseers. Persons found to have violated this ordinance, after hearing, are subject to a fine of up to \$1,000 per violation.

Adopted August 14, 2007
Amended: June 17, 2018.