



## TOWN OF SOUTHBURY

OFFICE OF THE FIRE MARSHAL

501 Main Street South

Southbury, Connecticut 06488

(203) 262-0620 Fax: (203) 264-3719



7/10/25

Board of Selectmen:

*With the upcoming public hearing, I would like to establish some talking points regarding the proposed open burning ordinance.*

*This ordinance does not alter the current open burning application and permit process.*

*This ordinance does not further restrict what can be burned. The materials that are prohibited from being burned as defined in section 5-60 are also defined and prohibited by DEEP.*

*What this ordinance will do is define a recreational campfire to avoid it being construed as open burning of brush, which requires a permit. Often, the Fire Department will respond to investigate "smoke in the area" and what is discovered is a homeowner having a recreational burn that is confused for open burning. The homeowner is then ordered to extinguish their fire and obtain an open burning permit. This is not done out of malice, but the lack of a definition of a recreational fire. Campfires and/or bonfires are not defined by state statute or regulation.*

*This ordinance also establishes a procedure for penalties for offenses. Currently, if the incident were to arise to the definitions below, the only means of enforcement are:*

**2024 Connecticut General Statutes**

**Title 23 - Parks, Forests, and Public Shade Trees**

**Chapter 449 - Fire Wardens**

**Section 23-48. - Kindling fire in the open. Penalty.**

**CT Gen Stat § 23-48. (2024)**

*Any person who kindles or directs another to kindle a fire in the open air, without proper authorization from state or local authorities or any person who burns materials that are prohibited from being burned by any provision of the general statutes, regulation of the state or local ordinance, shall be fined not more than two hundred dollars or imprisoned not more than six months or both.*

*&*

*2024 Connecticut General Statutes*

*Title 53a - Penal Code*

*Chapter 952 - Penal Code: Offenses*

*Section 53a-114. - Reckless burning: Class D felony.*

*Universal Citation:*

*CT Gen Stat § 53a-114. (2024)*

*(a) A person is guilty of reckless burning when he intentionally starts a fire or causes an explosion, whether on his own property or another's, and thereby recklessly places a building, as defined in section 53a-100, of another in danger of destruction or damage.*

*(b) Reckless burning is a class D felony.*

*I err on the side of having an educational discussion with someone when an issue arises before jumping to an immediate consequence, which is reflected in section 5-65 (1) First offense or violation: notification.*

*This will also allow the open burning officials to effectively enforce the open burning permit process for individuals who repeatedly conduct open burning without permits.*

*If you have any questions, please contact me.*

*Thank you,*

*Derrek Guertin  
Fire Marshal*