

FIRE ORDINANCE NORTHPORT VILLAGE CORPORATION

[Citizens' Note: 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 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 regulation of any fire pits and open fires. In addition, wood smoke from open fires are irritants to lungs, eyes, and skin and contain carcinogens. Therefore, in accordance with State laws, the Village of Bayside adopts the following ordinance to control and to limit outdoor fires.

Preamble

The State of Maine Laws govern, in part, the imposition of limits and regulations on outdoor burning of all kinds. They also permit 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 Bylaws of the Village as most recently amended in 2022, and in accordance with the terms and provisions of 12 M.R.S. § 9325, as amended.

1. When a fire requires the issuance of a permit under State Law 12 M.R.S. § 9325(1) and/or approval of the Board of Overseers of the Village under this Ordinance, the applicant must obtain that permit from the Town of Northport or the Maine Forest Service and approval of the Board of Overseers of the Village in accordance with their rules and ordinances. **[Citizens' note: The Board of Overseers generally only meets once per month, so sufficient advanced planning is recommended.]**
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 or outdoor fireplaces (by these or by any other names) fueled by combustible material other than propane or natural gas are allowed to be used within the geographic limits of the Village except those more than 75 feet from any structure on any adjacent property. All fire pits and fireplaces must be properly controlled and tended to so that sparks and debris do not escape to the immediate area. Definition: a fire pit is an outdoor, permanent or semi-permanent, structure composed of non-combustible materials (metal, stone, terra cotta, 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.
5. Under no circumstances shall a fire be left unattended. When it is no longer in use, the fire shall be completely extinguished.
6. The person tending the fire shall have suitable equipment to extinguish a fire should it spread, become dangerous, or be longer needed and shall have a communicating device capable of contacting emergency services (911).
7. Small recreational campfires
 - a. Small recreational campfires, whether on public or private property, require a State fire permit (see 12 M.R.S. § 9325(2)), but are exempt from requiring an Overseers' approval provided they meet the following terms and conditions: For the purpose of this Ordinance, a small recreational campfire shall be a fire no larger than two feet in diameter with flames that shall at no time extend further than two feet above the ground. Anything larger will be determined to be a large fire, or bonfire, and subject to paragraph II.8.
 - b. A small recreational campfire shall be located only in the intertidal zone and shall be located at least 25 feet away from any upland vegetation or other combustible material, structure, vehicle, or watercraft. The intertidal zone is that portion of the beach between the low and high tide water levels. **[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 upland vegetation or other combustible material, structure, vehicle, or watercraft.]**
8. Large fires
 - a. 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 to which the applicant will adhere. Such bonfires also require the issuance of a permit by the Town of Northport or the Maine Forest Service in accordance with 12 M.R.S. § 9325(1).
 - b. A large recreational fire (bonfire) shall be located only in the intertidal zone, and shall be located at least 25 feet away from any upland vegetation or other combustible material, structure, vehicle or watercraft.
9. 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 any structure on an adjacent property.
10. 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.

11. **Enforcement:** A written violation of this Ordinance may be issued by any Village employee and shall be enforceable by the Overseers.
12. **Penalties:** Persons found to have violated this ordinance, after hearing, are subject to a fine of up to \$1,000 per violation.
13. **Repeal of Prior Ordinances:** Any and all prior ordinances or parts thereof or written policies or procedures heretofore adopted by the Board of Overseers which are in conflict with the provisions of this Ordinance shall be repealed as of the effective date of this Ordinance.
14. **Validity and Severability:** Should any section(s) or provision(s) of this Ordinance be declared by the courts to be invalid or non-enforceable, such decision shall not invalidate any other section or provision of this Ordinance.
15. **Adoption and Effective Date:** This Ordinance shall become effective [Month] [Date], 2024.

Attest: _____

Maureen Einstein, Clerk

Northport Village Corporation

Enacted [Month] [Date], 2024 by vote of Board of Overseers of the Northport Village Corporation.

Adopted August 14, 2007

Amended: June 17, 2018

Amended: [Month]

[Date], 2024

Attachment: "Be Fire Smart" flyer.

Be Fire *Smart!*

Bayside is filled with old, beautiful, wooden houses. We have had devastating fires in the past, and we are always alert to the potential for stray sparks and fires. Wood smoke from a fire without a permit can trigger a “false alarm,” requiring the Fire Department to needlessly mobilize and respond. Every cottage should have a copy of the Northport Village Corporation Fire Ordinance. A copy may also be obtained at the Village Office or at www.nvcmaine.org. Some of these rules are state law; some are just common sense; all of them make for a safer Bayside!

There are basically four types of controlled fires:

Fire Type	Do I need a state permit?	Do I need permission from the NVC Board of Overseers?
1. Large fire (bonfire)	Yes ⁽¹⁾	Yes ⁽²⁾
2. Small recreational campfire	Yes ⁽¹⁾	No, if no more than two feet in diameter and with flames that do not extend more than two feet above the ground. Otherwise, see above for large fire. ⁽²⁾ ⁽³⁾
3. Fire pit or fireplace	No	No, but must be at least 75 feet from any structure on any adjacent property.
4. Grill	No	No, but must be monitored.

(1) State fire permits are available at the Northport Town Hall or the Maine Forest Service.

(2) Large fires and small recreational campfires must be on the Intertidal Zone (that is, between the high and low water marks), at least 25 feet from any upland vegetation or other combustible material, structure, vehicle, or watercraft.

(3) Permit holder is responsible for maintaining the dimensional limitations of the fire at all times

Remember: NEVER leave your fires unattended. When done, extinguish your fire completely. Always keep a cell phone and fire extinguishing equipment at hand.

Violating our Fire Ordinance can result in fines of up to \$1,000.

Questions? Stop by the Northport Village Corporation office!