

ORDINANCE #2015-12

AN ORDINANCE IN AMENDMENT TO
CHAPTER 10
OF THE BRISTOL TOWN CODE

IT IS HEREBY ORDAINED by the Town Council of Bristol, Rhode Island, that Chapter 10 of the Ordinances of the Town of Bristol be amended as follows:

CHAPTER 10 - ENVIRONMENT

ARTICLE III. NUISANCES

Sec. 10-82. Defined generally.

The following matters, things, conditions or acts are a public nuisance and injurious to the health of the inhabitants of the town:

(1) The open burning of any garbage, refuse, debris, trash, animal, fish or vegetable substance or other like items; except the controlled burning of wood ~~such as a campfire.~~ as defined in Section 10-85.

* * *

Sec. 10-85 Outdoor Open burning prohibited.

(a) Except for the exceptions enumerated herein, all outdoor open burning within the town is prohibited.

Allowable outdoor open burning includes:

(1) Clambakes or cooking of food on barbecues, fireplaces or grills; or

(2) Residential recreational fires of less than two feet in diameter (e.g., fire bowls and chimineas, but not campfires or other open-pit fires), which shall meet the following requirements:

(i) Wood burned. Only "clean wood" may be used; no other wood or material may be burned. "Clean wood" means natural wood or pellets made therefrom that has not been painted, stained, coated, preserved or treated with a synthetic

substance, including, but not limited to, copper chromium arsenate, creosote, or pentachlorophenol. "Clean wood" does not include driftwood and does not include construction or demolition debris, nor wood containing glue or resins, as in plywood or other composite wood products.

(ii) Location. Such fires must be located at least 30 feet away from any abutting property owner's dwelling or structure as determined by the fire department. Such fires must not cause noxious emissions on the property of others, or other nuisance or hazard to surrounding persons or property, as determined by the fire department or other duly constituted authority.

(iii) Attendance. A competent person of at least 18 years of age, possessing access to a source of water (e.g., a garden hose connected to a water supply) sufficient to extinguish such fire shall constantly attend such fire until the fire is extinguished.

(b). The fire department shall have the authority to prohibit, extinguish or cause to be extinguished any and all fires when atmospheric conditions or local circumstances make such fires hazardous or the smoke or fumes from such fires causes a nuisance to surrounding neighbors, property or persons.

Sec. 10-86 Violations and penalties.

Any person violating the terms of this chapter shall be subject to a fine of not more than \$50 for the first offense, not more than \$100 for the second offense and not more than \$500 for each and every violation thereafter.

1ST READING

C4

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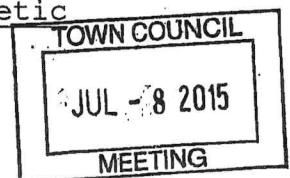
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TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 8, 2015

4. Ordinance #2015-12, Chapter 10, Environment, Article III, Nuisances, Section 10-81, Defined generally, Section 10-85, Outdoor open burning prohibited, Section 10-86, Violations and penalties, **1st reading**
 - a. Town Administrator Teixeira re Ordinance Pertaining to Outdoor Open Burning
 - b. Council Clerk Cirillo re Proposed Ordinance #2015-12 - Open Burning

Parella/Stuart - Voted unanimously to consider this action to constitute the first reading of Ordinance #2015-12. Advertise in local newspaper.

Prior to the vote taken, Councilman Herreshoff asked to know if the proposed ordinance language had been "tested" with Town Solicitor Ursillo responding that this language is similar to that in place for some time in the Town of Barrington.

Councilwoman Parella asked to know who will monitor compliance regarding the use of scrap wood and garden hose locations with Fire Chief Martin responding that the purpose of the ordinance proposal is to provide guidelines where there currently are none.

Fire Chief Martin reported that the fire department will put out the fire if it is providing a neighborhood nuisance.

Councilwoman Parella stated that she supports the idea of controlling what is burned since some people will chose to burn inappropriate materials.

Fire Chief Martin stated that he would plan to react only to complaints and that an evaluation will take place considering safety aspects of the burning.

Council Chairman Calouro asked to know how the ordinance will be enforced with Fire Chief Martin explaining that the rules and procedures set forth in the ordinance will be provided to those who are reported in non-compliance. He added that at the present time he does not have anything to provide.

Councilwoman Parella asked to know if citizens ask for advice with Fire Chief Martin responding that some people do already and that he typically suggests that those enquiring should refer to the manufacturer's instructions if the fire-pit or "chiminea" is a manufactured product.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 8, 2015

Council Chairman Calouro asked about "old" outdoor fireplaces with Fire Chief Martin explaining that these must have grates for safety purposes.

Councilman Sweeney stated that he finds the ordinance proposals easy to read.

5. Ordinance #2015-13, Chapter 14, Historic District Commission, Section 14-4, Membership, **1st reading**

- a. Council Clerk Cirillo re Proposed Ordinance #2015-13 - Historic District Commission

Herreshoff/Sweeney - Voted to consider this action to constitute the first reading of Ordinance #2015-13. Advertise in local newspaper. Voting in favor of this motion were Council Chairman Calouro, Councilman Sweeney, Councilman Stuart, and Councilman Herreshoff. Voting opposed was Councilwoman Parella.

Prior to the vote taken, the Clerk explained that the ordinance amendment is proposed since one of the two "district resident" members has recently moved out of the district and that there are no other applicants who reside in the district. He added that one or more of the current seated members own property within the district and that this ordinance change would bring the district membership back into compliance.

Councilwoman Parella stated that she believes that there should be at least one member who is a resident of the district.

D. LICENSING BOARD - NEW PETITIONS

1. Robert Vanderhoof, d/b/a Roberto's, 450 Hope Street - request for Dancing and Entertainment License

Sweeney/Herreshoff - Voted unanimously to grant this license to allow acoustical music only, until 11 o'clock PM, Monday through Saturday, to require that the Fire Chief must approve the floor plan, and that said license will be considered for review six (6) months from the date of issuance and also subject to conformance to all laws and

C4a



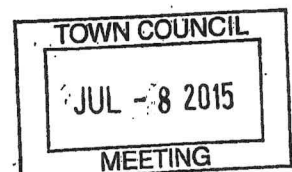
FROM THE DESK OF
ANTONIO A. TEIXEIRA
TOWN ADMINISTRATOR

Town Clerk's Office
BRISTOL, RHODE ISLAND
2015 JUN 24 PM 2:50

DATE: JUNE 24, 2015
TO: Honorable Town Council
FROM: Antonio A. Teixeira *AT*
RE: ORDINANCE PERTAINING TO
OUTDOOR OPEN BURNING

At the request of Fire Chief, Robert Martin, I submit for your review and approval a proposed ordinance regarding outdoor open burning. The purpose of this ordinance is to provide guidance for fire pits.

Thank you.





TOWN CLERK'S OFFICE

Louis P. Cirillo, CMC, Town Clerk

C46

10 Court Street
Bristol, Rhode Island 02809-2208
Tel. 401-253-7000
Fax 401-253-2647
Email: lpcirillo@bristolri.us
www.bristolri.us

M E M O R A N D U M

To: Honorable Town Council

From: Louis P. Cirillo, CMC, Council Clerk

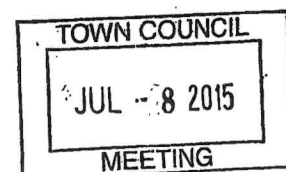
Re: Proposed Ordinance 2015-12 re Open Burning

Date: June 30, 2015

XC: Robert J. Martin, Fire Chief

The subject ordinance was requested by the Fire Chief in order to establish criteria for open burning in the Town of Bristol. The existing language is extremely vague.

The proposed language is more detailed and is substantially that of a similar ordinance in the Barrington Town Code.



TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 29, 2015

2. Town Council Meeting - July 8, 2015 (action items only)

Stuart/Sweeney - Voted unanimously to approve these minutes as prepared and presented.

B. PUBLIC HEARINGS

C. ORDINANCES

1. Ordinance #2015-09, Chapter 16, Motor Vehicles and Traffic, Section 16-142, Overnight parking prohibited, Section 16-344, Procedures for parking in a residential parking zone, (overnight parking of vehicles up to 7 tons), **2nd reading for adoption, continued from July 8, 2015**

LATE ITEM
Chief

- a. Recommendation - Town Administrator and of Police

Herreshoff/Sweeney - Voted unanimously to refer this matter to the Chief of Police and Town Solicitor.

Prior to the vote taken, Police Chief Canario noted that it would be advisable if the ordinance would "reflect" the Town.

Councilwoman Parella read the information provided and suggested that there might be a comparison between what is proposed and what is in place in other nearby communities.

Councilman Herreshoff stated that his primary area of concern is that the this proposal seems to suggest a "dramatic" change over the current ordinance.

2. Ordinance #2015-11, Chapter 2, Administration, Article VII, Municipal Court, Section 2-219, Costs, **2nd reading for adoption**

Stuart/Sweeney - Voted unanimously to consider this action to constitute the second reading for adoption of Ordinance #2015-11. Advertise in local newspaper.

3. Ordinance #2015-12, Chapter 10, Environment, Article III, Nuisances, Section 10-81, Defined generally, Section 10-85, Outdoor open burning prohibited, Section 10-86, Violations and penalties, **2nd reading for adoption**

Stuart/Sweeney - Voted unanimously to refer this matter to the Fire Chief and Town Solicitor.

Prior to the vote taken, Council Chairman Calouro reported that he spoke with Fire Chief Martin regarding this proposal. He noted that the Bristol Phoenix article was incomplete.

Council Chairman Calouro suggested that the matter might be referred back to the Town Solicitor and Fire Chief Martin for further amendments or rework.

TOWN COUNCIL MEETING - WEDNESDAY EVENING - JULY 29, 2015

Mark Dieterich of 23 Naomi Street informed the Council that he cooks in a fire pit.

Councilman Herreshoff stated that he would like see the fire pit.

Renee Ciccinielli 31 Dimond Avenue informed the Council that she has a fire pit which is a permanent structure and that the Fire Department informed her that it was safe. She also informed the Council that she is responsible with her fire pit and used it every weekend.

Council Chairman Calouro stated that the goal of the ordinance is fire safety.

4. Ordinance #2015-13, Chapter 14, Historic District Commission, Section 14-4, Membership, **2nd reading for adoption**

Herreshoff/Sweeney - Voted to consider this action to constitute the second reading for adoption of Ordinance #2015-13. Advertise in local newspaper. Voting in favor of this motion were Council Chairman Calouro, Councilman Sweeney, Councilman Stuart, and Councilman Herreshoff. Voting opposed was Councilwoman Parella.

Prior to the vote taken, Councilwoman Parella stated that she is concerned that this will further eliminate the requirement to have participation from within the District.

It was noted that the reason for the change is that there have not been many applicants and one current member recently moved out of the District.

Councilwoman Parella suggested that there should be more recruiting and expressed concern that soon there will be no members from within the district.

Council Chairman Calouro stated that he shares Councilwoman Parella's concerns.

D. LICENSING BOARD - NEW PETITIONS

1. B. Peter Sebring, d/b/a Bristol Oyster Bar, 448 Hope Street - request for modification of expanded Class BV liquor license service area to include service bar, **continued from July 8, 2015**

- a. Recommendation - Town Administrator and Chief of Police

Sweeney/Stuart - Voted to allow an outdoor service bar per the following conditions as specified:

- Video surveillance (three cameras) will be added to the outdoor bar and seating area.