

By Mr. Scelsi of Pittsfield, petition of Joseph S. Scelsi, John J. Pignatelli and others (county commissioners) for legislation to authorize open burning in Berkshire County. Natural Resources and Agriculture.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Seventy-Seven.

AN ACT TO AUTHORIZE OPEN BURNING IN BERKSHIRE COUNTY.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Notwithstanding the provisions of Section 142A or 142B of  
2 Chapter 111 of the General Laws, any person in Berkshire County,  
3 during the period from March first to May fifteenth and from  
4 September fifteenth to November first of each year, may conduct  
5 the open burning of products of open space land husbandry and  
6 management, including materials commonly referred to as brush,  
7 including vegetation such as tree branches, brush, cane, driftwood  
8 and other forestry debris, but excluding grass, hay or leaves, said  
9 person shall obtain a permit as provided in Section 13 of Chapter  
10 48 of the General Laws. Such permit shall be valid except on days  
11 when the department of public health determines that atmospheric  
12 ventilation will be unsuitable or that air stagnation is forecast in  
13 the specific area and for a time specified in the permit.

14 Such open burning shall be performed in accordance with the  
15 following requirements: (a) without causing a nuisance; (b) with  
16 smoke minimizing starters, if fire starters are necessary; (c)  
17 between ten o'clock ante meridian and four o'clock post meridian;  
18 (d) on land proximate to the place of generation of such products,  
19 or at such other place as may be designated in the permit.

20 Violation of any provision of this act shall be punishable by a  
21 fine of not more than fifty dollars per day and each day's violation  
22 shall constitute a separate offense.

