

Local Law Number 1, 2006

A Local Law to Regulate Outdoor Burning in the Village of Delanson

Be it enacted by the Board of Trustees of the Village of Delanson as follows:
New Local Law entitled “Open Burning Law”

Section 1.

Legislative intent.

The Board of Trustees recognizes that outdoor open burning of materials potentially poses a threat to life and property and may create a nuisance. It is the purpose of this chapter to ensure that the safety, health and welfare of the residents and property in the village are protected by restricting open fires as provided herein.

2. Definitions.

As used in this local law the following terms shall have the meanings indicated:

OPEN FIRE –Any outdoor fire or outdoor smoke producing process from which air contaminants are emitted directly in the outdoor atmosphere.

PERSON –Any person, individual, business, partnership, corporation, joint venture, joint stock company, land trust, business trust, or unincorporated organization, limited liability company, limited partnership, society, club, firm or any other entity.

3. Prohibited burning.

No person shall cause, permit or maintain an open fire within the Village of Delanson as follows:

- A. The burning of garbage, refuse and rubbish in any manner is prohibited.
- B. All open fires are prohibited with the exception of those in conformity with the provisions of paragraph 4 of this law.

4. Permitted open fire.

No person shall cause, permit or maintain an open fire within the Village of Delanson of any material unless paragraphs A through E below are in compliance:

- A. All open fires must be contained in a device or enclosure to hold a small fire, such as an outdoor fireplace, or a commercially manufactured metal fireplace or grill, or a ceramic portable fireplace. Such devices shall be placed on a non-combustible surface. Prohibited devices shall include, but are not limited to, burning barrels, and/or large free-standing piles.

B. An open fire must be a safe distance from any structure, building, property line or trees, brush or shrubs.

C. An open fire may be fueled only by paper, paper products (such as cardboard), unadulterated wood, lumber and charcoal.

D. An open fire shall be continuously under the care and direction of a competent person 18 years of age or older from the time it is kindled until it is extinguished and must have appropriate fire-extinguishing equipment readily available.

E. No open fire or the emissions thereof may interfere with the reasonable enjoyment or quality of life or property or create a smoke or odor nuisance to a neighboring property.

5. Additional Restrictions.

A. Open fires are prohibited between April 1 and May 31.

B. If in the opinion of the Village of Delanson Fire Chief the weather or air conditions are such that the starting or the continuation of the open fire is a risk to life, health or property within the Village, he shall have the authority to declare that any and all burning shall cease immediately until further notice.

6. Enforcement.

The Fire Chief or his designee in the fire department shall have the authority to extinguish or order extinguished any open fire being conducted in violation of any provision of this law.

7. Penalties.

Any person who violates any provision of this chapter shall upon conviction thereof, be guilty of a violation and shall be subject to a fine of not less than \$25.00 nor more than \$500.00 or imprisonment for a term not to exceed fifteen (15) days or both.

8. Severability.

If any word, phrase or part of this local law shall be declared unconstitutional, the same shall be severed and the remainder of this local law shall continue in full force and effect.

Section 2.

Effective Date.

This law shall become effective immediately.