STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
HTTPS://DOS.NY.GOV

KATHY HOCHUL
GOVERNOR

ROBERT J. RODRIGUEZ
SECRETARY OF STATE

November 2, 2022

Village Clerk
Village of Adams
3 South Main Street
Adams NY 13005

RECEIVED
NOV 07 2022
VILLAGE OF ADAMS

RE: Village of Adams, Local Law 9 2022, filed on October 28 2022

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492

Village of Adams
Local Law No. 9 of the year 2022

A Local Law to Replace Chapter 97 of the Code of the Village of Adams

Be it enacted by the Village Board of the Village of Adams that Chapter 97 of the Code shall read as follows:

Article 1. - Statement of Authority. The Board of Trustees of the Village of Adams, pursuant to the authority granted Article 4 of the Village Law and Sections 10 and 20 of the Municipal Home Rule Law hereby enact as follows:

Article 2 — Enactment. The Board of Trustees of the Village of Adams hereby enacts as follows:

§ 97.1 LEGISLATIVE INTENT

A. It is the intent of the Village of Adams Board of Trustees to protect and promote the health, safety, and welfare of the residents of the Village of Adams by prohibiting the burning of garbage, rubbish, and refuse and regulating open burning and recreational fires.

B. It is recognized that the occasional recreational fires, as allowed herein, are acceptable in the Village of Adams using clean firewood.

§ 97.2 DEFINITIONS

For the purpose of this chapter the following words, phrases, and terms and their deviations shall have the meanings given herein. When not inconsistent with the context, words, used in the present tense include the future; words used in the plural number include the singular; words used in the singular include the plural; and the words used in the masculine include the feminine. The word "shall" is always mandatory and not merely directory.

A. Approved Container - A properly maintained and utilized barbeque grill, barbeque pit or outdoor fireplace that uses a spark-arresting screen and a lid or wherein products of combustion pass through a stack or chimney from an enclosed chamber.

1. Barbeque pit or fire pit for the purpose of this chapter shall mean a pit which is no more than 2 feet in length, width, or diameter. If dug into the earth pit must be lined with fire resistant material (brick, concrete, stone etc.)

B. Firewood - Clean seasoned wood and shall NOT include painted wood, chemically treated wood, pressure treated wood, or plywood.

C. Garbage

1. Putrescent animal and/or vegetable waste resulting from the handling, preparation, cooking and consumption of food.

2. Wastepaper products or household trash.

3. Any metals, plastics, tins.

D. Refuse or Rubbish

1. Refuse shall mean all putrescible and non-putrescible solid wastes, including garbage,

rubbish, ashes, incinerator residue, street cleanup, dead animals, offal, and solid commercial waste, abandoned automobiles and any parts thereof, agricultural waste, construction demolition debris, pressure treated wood, painted wood, and plywood.

a. **Putrescible Waste** is a solid waste that contains organic matter capable of being decomposed by microorganisms so as to cause a malodor, gases, or other offensive conditions, or which is capable of providing food for birds and other vectors.

b. **Non-Putrescible Solid Waste** means solid waste materials that do not contain organic matter that is subject to rapid decomposition by fungi and bacteria.

c. **Liquid Waste** means any sewage, industrial waste or other wastes or any combination thereof which may potentially alter the chemical, physical, biological or radiological integrity of surface and/or groundwater from its natural state. The term, "liquid waste", does not mean storm runoff or storm water. (ex. paints, oils, cleaning supplies, etc..)

E. **Open Burning -** The burning of materials outside of an approved container wherein products of combustion are emitted directly into the ambient air without passing through a stack, chimney or spark arresting screen from an enclosed chamber. Open burning does NOT include road flares, smudge pots, and similar devices associated with safety or occupational uses typically considered open flames.

F. **Recreational Fire -** An outdoor fire that burns materials other than garbage, rubbish and refuse, where the fuel being burned is inside an approved container, and excluding the burning of materials for the sake of disposal.

G. **Village –** Village shall refer to the Village of Adams, New York.

§ 97.3 PROHIBITED BURNING

The following burning is PROHIBITED as described below:

A. No garbage, refuse or rubbish shall be burned in an open fire or in an approved container, metal basket, can, or drum in any part of the village.

B. When atmospheric conditions or local circumstances make such fire hazardous, outdoor burning shall be prohibited.

C. Open burning.

D. Any fire outside the constraints of an approved container.

E. Any fire that is or will be offensive or objectionable because of smoke or odor emissions.

F. Any fire burning tree limbs, yard clippings, and/or brush.

§ 97.4 RECREATIONAL FIRES

A. General - A person SHALL NOT kindle or maintain or authorize to be kindled or maintained any recreational fire unless conducted and approved in accordance with this chapter.

B. Location - The location for recreational fires SHALL NOT be less than 15 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. The Village of Adams Board of Trustees may increase the required distance from structures as

warranted.

C. Attendance - Recreational fires shall be constantly attended until the fire is extinguished. A minimum of 1 (one) portable fire extinguisher with a minimum of 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

D. Size - Recreational fires shall not extend past the boundaries of the approved container and the flames shall not extend more than 3 feet above the approved container.

§ 97.5 PLANNED BURNING OF STRUCTURES

A. For the purpose of promoting the safety, health, and general welfare of the residents and property of the Village of Adams, it shall be unlawful to burn any structure within the village without the following:

1. A resolution of the Village of Adams Board of Trustees approving said burning, and

2. Such burn will be planned with the Village of Adams Fire Chief and/or Deputy Fire Chief in the Chiefs absence.

B. This shall be interpreted to include, but not be limited to, controlled burns for training by the Village of Adams Fire Department or demolition of any structure.

§97.6 PENALTIES FOR OFFENSES

Any person convicted of violating any of the provisions of this article shall be liable to a fine of not more than $250, imprisonment for not more than 15 days, or both such fine and imprisonment for each violation thereof.

Article 3 - Severability. If any clause, sentence, paragraph, section or article of this law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the controversy in which such judgment shall have been rendered.

Article 4 — Effective Date. This Local Law shall take effect upon filing with the Department of State as required by the provisions of the Municipal Home Rule Law.

Continued on the following page

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams

Local Law No. 9 **of the year 20** 22

A local law that promotes the health and safety, welfare of the residents of the Village of Adams
(Insert Title)
by prohibiting the burning of garbage, rubbish, and refuse and regulating open burning
and recreational fires.

Be it enacted by the Board of Trustees **of the**
(Name of Legislative Body)

☐ **County** ☐ **City** ☐ **Town** ☒ **Village**
(Select one:)

of Adams **as follows:**

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. 9 of 2022 of the (County)(City)(Town)(Village) of Village of Adams was duly passed by the Board of Trustees on October 17 2022, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20[ ][ ], in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20_____ , became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: 10/20/22