

# 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 Dansville

FILED  
STATE RECORDS

FEB 26 2021

Local Law No. 2 of the year 2021

DEPARTMENT OF STATE

A local law Burning, Open  
*(Insert Title)*

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

County  City  Town  Village  
*(Select one.)*

of Dansville

as follows:

(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. 2 of 2021 of the (County)(City)(Town)(Village) of Dansville was duly passed by the Board of Trustees on February 16 2021, 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) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(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) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local 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.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* 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.)**

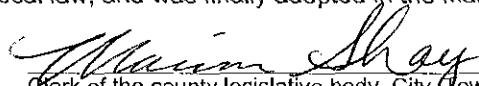
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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

Date:   2/23/2021  

(Seal)

## Chapter 140 Burning, Open

### § 140-1 General provisions.

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this chapter.

### § 140-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

#### **BARBECUE PIT**

A noncombustible container designed for roasting or baking food or meat over an open fire.

#### **BONFIRE**

An outdoor fire utilized for ceremonial purposes. A ceremony is a formality observed on a special or specific occasion; a ritual; a customary procedure.

#### **COOKING DEVICE**

A noncombustible, listed device designed for cooking food or meat. A listed cooking device shall be fueled by either natural gas, liquefied petroleum gas (LP gas), or commercial charcoal or briquets.

#### **OPEN BURNING**

The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. "Open burning" does not include road flares, smudge pots, and similar devices associated with safety or occupational uses.

#### **OUTDOOR FIREPLACE**

A noncombustible container designed for burning wood wherein products of combustion are emitted into the air by either passing through a stack or chimney from an enclosed container or emitting into the air without passing through a stack or chimney from an enclosed container. The total fuel area shall be three feet or less in diameter and two feet or less in height.

#### **RECREATIONAL FIRE**

An outdoor fire burning materials other than rubbish where the fuel being burned is contained in a container designed for burning and has a total fuel area of three

feet or less in diameter and two feet or less in height for pleasure, religious, bonfire, cooking, warmth, or similar purposes.

### **§ 140-3 Bonfire.**

- A.** An operational permit for a bonfire shall be obtained from the Fire Chief and Code and Zoning Enforcement Officer or his or her designee prior to igniting such bonfire. Application for such approval shall only be presented by and a permit issued to the owner of the land upon which the bonfire is to be kindled.
- B.** A bonfire that is hazardous, offensive, objectionable, or unreasonably interferes with the comfortable enjoyment of life or property due to smoke or odor emissions shall be prohibited.
- C.** The Fire Chief or Chief of Police or his or her designee is authorized to order the extinguishment of a bonfire which creates or adds to a hazardous, offensive, or objectionable condition.
- D.** Materials used for fuel for a bonfire shall consist of untreated wood only.
- E.** The pile size for a bonfire shall be 12 feet or less in diameter and six feet or less in height.
- F.** The location of a bonfire shall not be less than 50 feet from any building or structure, and provisions shall be made to prevent the fire from spreading to within 50 feet of any building or structure.

**(1) Exceptions.** The minimum required distance of a bonfire from a building or structure shall be 25 feet where the pile size is three feet or less in diameter and two feet or less in height.

### **§ 140-4 Open burning.**

Open burning shall be prohibited.

### **§ 140-5 Recreational fires.**

- A.** A recreational fire shall not be conducted within 25 feet of any building, structure, or combustible material unless the fire is contained in a outdoor fireplace. Materials used for fuel for a recreational fire shall consist of untreated wood only.

B. A recreational fire must be contained in a commercially manufactured metal fire pit or a chiminea.

C. Exceptions.

(1) A cooking fire shall be contained in a cooking device designed for cooking and be fueled by natural gas, liquefied petroleum gas, or commercial charcoal or briquets.

(2) A recreational fire contained in a container, designed for burning combustibles, positioned on a noncombustible surface, and that is not less than 15 feet from a building or structure.

(3) A cooking fire in a container, designed as a barbecue pit, positioned on a noncombustible surface, and that is not less than 15 feet from a building or structure.

D. A recreational fire that is hazardous, offensive, objectionable, or unreasonably interferes with the comfortable enjoyment of life or property due to smoke or odor emissions shall be prohibited.

E. The Fire Chief or Chief of Police or his or her designee is authorized to order the extinguishment of a recreational fire which creates or adds to a hazardous, offensive, or objectionable condition.

### **§ 140-6 Attendance.**

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

### **§ 140-7 Open-flame cooking devices.**

A. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies, decks, porches, or within 10 feet of combustible construction.

B. Exceptions:

(1) One- and two-family dwellings.

- (2) Where buildings, balconies, decks, or porches are protected by an approved automatic sprinkler system.
- (3) Liquefied petroleum gas (LP gas) burners, used with a cooking device, designed for cooking, having an LP gas container with a water capacity of 2.5 pounds or less.

**§ 140-8 Penalties for offenses.**

Each violation of this chapter shall be punishable by a fine not exceeding \$250, imprisonment for not more than 15 days, or both such fine and imprisonment for each offense.