

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 Morrisville

Local Law No. 5 of the year 2024

A Local Law Amending Chapter 64 of the Village of Morrisville Code to Regulate Outdoor Burning within the Village of Morrisville

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

County City Town Village
(Select one:)

of Morrisville as follows:

Section 1.

So that Chapter 64, titled "Burning, Outdoor," of the Village of Morrisville Code, shall be amended, in its entirety, as follows to:

"§ 64-1 Open fires prohibited.

No person shall kindle, start, or cause to be kindled any open fire within the Village of Morrisville. An open fire shall include any outdoor fire which is not within an enclosed container or vessel so as to prevent the dispersal of fire, ashes and/or cinders by winds or otherwise, which containers or vessels shall include charcoal or liquid propane gas cooking devices and other open-flame cooking devices specifically designed, manufactured and sold as such, chimineas and similar "portable outdoor fireplaces," provided that all such open flame devices and their location and manner of operation shall comply with manufacturer's instructions and specifications and the provisions of the New York State International Fire Code.

§ 64-2 Exceptions to prohibited burning.

Outdoor fires for cooking, ceremonies and recreation. "Outdoor fires for the purpose of cooking" is defined as but not limited to propane gas grills, hibachis, charcoal grills and hardwood/softwood of natural fiber.

§ 64-3 Restrictions and regulations.

- A. Excluded from the prohibition imposed under this section are open fires upon the premises of an owner occupied residence for which a controlled burn permit has been issued by the Code Enforcement Officer. For a rental property, the property owner shall authorize an application for a controlled burn permit. Upon the issuance of a controlled burn permit, which permit shall be issued without charge to the applicant, occupants shall be permitted to ignite and maintain small outdoor open fires in accordance with the provisions of this chapter. Such permits shall be valid for not more than 12 consecutive months and shall be required to be renewed thereafter. No such permit shall be issued for any property other than an owner occupied residence and rental properties with authorization of the property owner, and no such permit shall be deemed to supersede any burning

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

bans or other regulations issued by the New York State Department of Environmental Conservation.

- B. No person shall kindle, start or cause to be kindled any fire other than in a substantial containment (surrounded by at least three sides) constructed of noncombustible materials, such as metal, concrete or brick, so as to prevent the escape of burning materials. All such open flame devices and their location and manner of operation shall comply with manufacturer's instructions and specifications and the provisions of the New York State International Fire Code.
- C. All such fires shall be extinguished upon the completion of the activity.
- D. All fires shall be no less than 15 feet from any structure. All fires shall be no less than 10 feet from any property line, street or alley.
- E. All fires shall be attended by at least one adult person with an adequate means of extinguishment nearby.
- F. No person shall kindle or start a fire or cause to burn any combustible rubbish, garbage, oily substances, asphalt, plastic, foam, rubber products or any other material which creates dense smoke or causes a nuisance.
- G. No person shall kindle or start a fire or cause to burn any construction and demolition material, wooden pallets, wooden crates or any other man-made product. All wood shall be seasoned hardwood/softwood of natural tree fiber.
- H. Whenever a fire becomes a nuisance to the neighboring residents or becomes unsafe or considered uncontrollable as determined by the Code Enforcement Officer or the Fire Chief, the fire shall be extinguished immediately in his or her presence.

§ 64-4 Authority of Code Enforcement Officer, police and fire officials.

- A. The Code Enforcement Officer shall have the authority to issue orders temporarily banning all outdoor fires within the Village, regardless of whether any such fire would otherwise be permitted under the provisions of § 64-1 upon his or her determination that atmospheric conditions or local circumstances are such that any outdoor fire could pose an undue hazard or risk to public safety or health.
- B. Any fire which, upon the determination of the Code Enforcement Officer, any police officer, or any Fire Department Officer, is a hazard or nuisance to other particular properties or residents, shall be immediately extinguished upon the direction or order of any such officer or official, regardless of whether a permit has been previously issued for such fire.
- C. The Code Enforcement Officer may suspend or revoke a controlled burn permit for any violation of this chapter.

§ 64-5 Penalties for offenses.

Any person found guilty of a violation of this chapter shall be punishable by a fine not exceeding \$250 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment.

Section 2. EFFECTIVE DATE.

This Local Law shall take effect upon filing with the New York State Department of State.”

1. **(Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as **Local Law No. 5** of 2024 of the **Village of Morrisville** was duly passed by the **Board of Trustees of the Village of Morrisville** on **May 9, 2024**, in accordance with the applicable provisions of law.

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 **Town of Sullivan** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** and was deemed duly adopted on _____, 20__, in accordance with 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 **Town of Sullivan** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** on _____, 20__.

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 **Town of Sullivan** was duly passed by the **Town Board** on _____, 20__, and was (approved/not approved/ repassed after disapproval) by the **Town Board** 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.~~

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.



Hon. Amy Will, Village Clerk
Village of Morrisville

Date: 5/13/24

