

Proposed Local Law 2023-3 Amending Chapter 176 titled Fires, Outdoor

SECTION ONE

To Amend Chapter 176 of the Potsdam Town Code as follows:

SECTION TWO

§176-1 Definitions.

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

CAMP FIRE

A camp fire or any other outdoor open fire less than three feet in height, and less than four feet in length and width or diameter.

§ 176-2 Prohibited acts.

Except as allowed by § 176-3 of this chapter, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

§ 176-3 Exceptions and restricted burning.

The following exceptions will be allowed

- A. Barbecue grills, maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- B. Small fires used for cooking and camp fires, provided that only charcoal or untreated wood is used as fuel and the fire is not left unattended until extinguished. The fire must be less than three feet in height, and less than four feet in length and width or diameter.
- C. The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- D. Small fires that are used to dispose of a flag or religious item, and small fires or other smoke-producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- E. Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- F. Individual open fires as approved by the director of the Division of Air Resources as may be required in response to an outbreak of a plant or animal disease upon request by the Commissioner of the Department of Agriculture and Markets, or for the destruction of invasive plant and insect species.
- G. Individual open fires that are otherwise authorized under the Environmental Conservation Law, or by rule or regulation of the Department.

SECTION THREE

Delete §176-4

Delete §176-5

Delete §176-6

SECTION FOUR

Severability.

The invalidity or unenforceability of any section, subsection, paragraph, sentence, clause, provision, or phrase of the aforementioned sections, as declared by the valid judgment of any court of competent jurisdiction to be unconstitutional, shall not affect the validity or enforceability of any other section, subsection, paragraph, sentence, clause, provision, or phrase, which shall remain in full force and effect.

SECTION FIVE

Effective Date.

This Local Law shall be effective immediately upon being filed with the New York State Secretary of State.

ADOPTED: 4/11/2023