

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 Amsterdam _____

Local Law No. 3 _____ of the year 20 24

A local law Town of Amsterdam Regulations on Outdoor Burning
(Insert Title)

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

County City Town Village
(Select one.)

of Amsterdam _____ as follows:

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

TOWN OF AMSTERDAM, NEW YORK

LOCAL LAW 3 OF THE YEAR 2024

A LOCAL LAW CONTROLLING OPEN FIRES

SECTION 1. Legislative intent.

The Town Board recognizes that outdoor open burning of material 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 Town are protected by prohibiting open fires except as specifically permitted herein.

SECTION 2. Definitions.

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

BONFIRE — An outdoor fire utilized for ceremonial purposes.

CODE ENFORCEMENT OFFICER (CEO)— The Town's appointed Building Inspector and Fire Inspector

FARM OPERATION — Commercial enterprises, through the use of land, buildings, equipment and practices, to carry out an agricultural enterprise as defined in the NYS Agriculture and Markets Law, including start-up farms, as defined by NYS Department of Agriculture and Markets, on land located within a county-adopted, State-certified agricultural district.

FIRE DEPARTMENT — Cranesville Volunteer Fire Department, Fort Johnson Volunteer Fire Co Inc., Hagaman Volunteer Fire Department, Tribes Hill Volunteer Fire Dept., as applicable.

GARBAGE — The animal and vegetable waste resulting from the handling, preparation, cooking and serving of food.

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, smudgepots and similar devices associated with safety or occupational uses typically considered open flames or recreational fires. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PORTABLE FIREPLACE — A structure or device intended to contain and control outdoor wood fires. This shall include a structure, which may or may not be a portable, manufactured fireplace or similar device, is designed to contain and control outdoor wood fires.

RECREATIONAL FIRE — An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of three feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

REFUSE — All waste material, including but not limited to garbage, rubbish, incinerator residue, street sweepings, dead animals, and offal.

SECTION 3. Open burning prohibited.

- A. No person, firm, or corporation shall build any outdoor fire within the corporate limits of the Town of Amsterdam, excepting as set forth in Section 4 of this local law, or as prohibited by any federal, state or other local law, rule, or regulation.
- B. The applicable Fire Chief or Fire Department command personnel, or the CEO, are permitted to

prohibit any or all bonfires and outdoor fires when atmospheric conditions or local circumstances make such fires hazardous. If, in the opinion of the applicable Fire Chief or Fire Department command personnel, or the CEO, such conditions or circumstances exist, then he/she shall have the authority to declare that any and all burning shall cease and desist immediately until further notice.

SECTION 4. Exceptions.

- A. Outdoor cooking over a fire contained in a device or structure designed for such use.
 - (1) Material used to make a cooking fire cannot be construction debris, trash, or rubbish.
 - (2) All cooking devices must be in good working condition to prevent the possible spread of fire.
 - (3) For all multifamily dwellings, more than one story in height, the use and/or storage of any propane or charcoal portable cooking device or any portable fireplace device is strictly prohibited above the first-floor occupancy.
 - (4) For all multifamily dwellings more than one story in height, the use of any open or closed outdoor cooking device, any portable fireplace device, or any open flame device is prohibited within 25 feet of the structure on the ground floor or any combustible material on the ground.
- B. Use of a portable fireplace.
- C. Use of a recreational fire.
- D. Open burning by farm operations located within a county adopted, State certified, agricultural district and consistent with applicable guidelines and regulations, such as those set forth at 6 NYCRR Part 215 and as may be considered by the NYS Department of Agriculture and Markets to be a practice that is part of a "farm operation," inclusive of burning of downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th. If there shall be open burning, the individual conducting such open burning shall contact the County Dispatch Center to notify them of the open burning.

SECTION 5. Control and restrictions on permitted fires.

- A. It is the intent of the Town of Amsterdam that citizens have the opportunity to have recreational fires, provided that such fires are in strict compliance with the restrictions relating to recreational fires. It is further the intent of the Town of Amsterdam that the applicable Fire Department or CEO shall strictly enforce these restrictions so as to ensure that such fires do not compromise safety or annoy neighbors. Such enforcement shall require an investigation into any complaint and an independent determination by the CEO and/or Fire Department as to whether a particular recreational fire is in compliance with these regulations.
- B. No recreational fire may be started or allowed to continue burning unless such recreational fire is contained in an approved fireplace or similar device.
- C. All recreational fires shall not have a fuel diameter larger than three feet nor a height greater than two feet, nor may the fire extend more than one foot above the burning surface. The fireplace or similar device shall be surrounded on the outside by a noncombustible material such as concrete block or rocks and placed upon a noncombustible surface. Manufactured devices must be used in accordance with the manufacturer's specifications and these regulations.
- D. No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause smoke, embers, or other burning materials to be carried by the wind toward any building or other combustible materials. Smoke from any recreational fire shall not create a nuisance for neighboring property owners. The fire shall be completely extinguished immediately upon the

complaint of any nuisance smoke.

- E. Material for recreational fires, portable fireplaces or similar devices shall not include rubbish, garbage, refuse, recyclable items, paper/cardboard (other than what is needed to start the fire), yard debris, construction debris, pressure-treated wood, trash or any material made of petroleum-based materials and shall not contain any flammable or combustible liquids, except for devices which are designed to burn LP gas. Such LP gas devices shall not use the LP gas as an accelerant for other flammable materials.
- F. Adequate fire suppression equipment shall be immediately available to control or extinguish the recreational fire, such as a fully functioning fire extinguisher or garden hose connected to an unlimited water source.
- G. The property owner and/or person who has started any recreational fire, portable fireplace or similar device shall hold the Town harmless from any damages caused by a recreational fire.
- H. Any party who has started or maintains a recreational fire, portable fireplace or similar device as defined shall pay any and all costs incurred by the applicable Fire Department for any service-related call as a result of a recreational fire not in compliance with these requirements, if deemed necessary by the applicable Fire Chief.

SECTION 6. Prior written approval.

- A. Ceremonial campfires or bonfires are allowed with prior written approval of the Fire Chief or his/her designee.
- B. Whenever approval is granted by the applicable Fire Chief or Fire Department command personnel under Subsection A, the approval may specify and be conditioned on observance of safety restrictions and insurance requirements set forth therein.

SECTION 7. Burning on streets.

No materials may be burned upon any street, curb, gutter, sidewalk, or other public place.

SECTION 8. Liability.

Persons utilizing and maintaining outdoor fires shall be responsible for any liability resulting from damage caused by his/her fire.

SECTION 9. Penalties for offenses; enforcement.

- A. 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 not to exceed \$250 or imprisonment for a term not to exceed 15 days, or both.
- B. This chapter shall be enforced by the Town's CEO, sworn law enforcement officers, and applicable Fire Department personnel.

(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. 3 of 2024 of the ~~(County)~~(City)(Town)(Village) of Amsterdam was duly passed by the Amsterdam Town Board on September 18, 2024, 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 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 (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 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.)

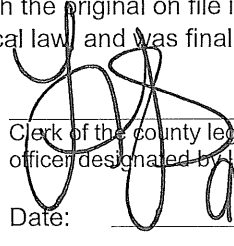
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

Date: 11-20-2024

(Seal)