

Proposed Local Law -2023

A local law adding Chapter 96 (Burning, Open) of the Village of Ossining Code.

BE IT ENACTED by the Board of Trustees of the Village of Ossining as follows:

Section 1. Chapter 96 (Burning, Open) of the Village of Ossining Code is added with new matter underlined.

96-1 Purpose

It is the purpose and intent of the Village of Ossining to protect and preserve the health, safety and welfare of the residents of the Village of Ossining by regulating open burning. The Board of Trustees of the Village of Ossining has determined that the outdoor burning of surplus wood, rubbish, debris, leaves and other similar materials constitutes a hazard to the public, and greatly increases the potential for personal injury and unintended property damage by fire or smoke. Furthermore, the Board of Trustees finds that burning of refuse creates offensive smoke and odors, resulting in a residue of unburned refuse which decays and causes offensive odors and attracts flies, rodents and vermin and is generally an unsafe and unhealth practice.

96-2 Definitions

For the purposes of this chapter, the following definitions shall apply:

Approved container

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

Clean Wood

Natural, seasoned and dry firewood or natural lumber which has not been painted, varnished or coated with a similar material, has not been pressure treated with preservatives and does not contain resins or glues as in plywood or other composite wood products.

Fixed Fire Pit/Fireplace

A permanent structure constructed of fireproof masonry or other fireproof materials.

Garbage

The animal and vegetable wastes resulting from the handling, preparation, cooking, consumption and serving of food. Wastepaper products or household trash shall also be considered as garbage.

Open Burning

Kindling or maintaining of a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or chimney. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames.

Outdoor Fireplace or Fire Pit

A commercially designed and manufactured freestanding, often portable, outdoor fireplace or fire pit sold specifically for outdoor recreational burning and commonly made out of metal and used for either clean wood or gas burning. This definition also shall include recreational fire pits and outdoor fireplaces built encompassing a wide variety of styles and functions, from a traditional campfire pit to more elaborate constructions of materials such as steel, brick, stone and masonry.

Outdoor Fires

Includes all fires burning, smoldering or producing smoke outdoors, with the exception of fires used to cook food in approved outdoor cooking appliances, grills or stoves.

Person

Any individual, public or private corporation, political subdivision, agency, board, department or bureau of the state, municipality, partnership, association, firm, trust, estate or any other legal entity whatsoever that is recognized by law as the subject of rights and duties.

Portable Fire Pit/Fireplace

A purchased structure specifically designed for outdoor burning of wood or other materials that has manufacturer specifications for its use and is not fixed or permanent.

Recreational Fire

An outdoor fire burning clean wood in an approved container where the fuel area shall be no more than 3 feet in diameter and no more than 2 feet in height; the purposes to include pleasure, religious, ceremonial, cooking and warmth. Recreational fires shall include campfires.

Refuse

Solid or liquid waste materials, including but not limited to, rags, furniture, cartons, chemicals, paint, grease, sludges, oils, and petroleum products other than legitimate home heating and cooking products, construction materials, including, but not limited to, sheetrock, particle board, asphalt or fiberglass shingles, or pressure treated lumber, automobile parts, tires, dead animals or animal parts, metal goods, including, but not limited to, refrigerators, stoves and like appliances, diapers, yard grass clippings, paper and paper products, packaging materials, Styrofoam, mattresses, cigarette filters, glass, plastic of any kind and furniture.

Responsible Adult

An individual 18 years of age or older who is not under the influence of drugs or alcohol or otherwise unable to respond to an emergency situation and able to responsibly supervise a fire.

96-3 Prohibited Burning in the village

Except as otherwise permitted under the provisions of this chapter, the following burning is prohibited throughout the Village of Ossining including all streets, alleys, roads, village-owned property and private property:

- A. No garbage or refuse shall be burned in an open fire or an approved container.
- 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 as determined by the Building Inspector, Assistant Building Inspector, Code Enforcement Officer or police officer
- F. Any fire burning tree limbs, yard clippings and/or brush.

96-4 Permitted activities

The following activities are expressly permitted:

- A. Grilling or cooking using charcoal, propane, clean wood or natural gas in cooking or grilling appliances approved for such solid or liquid fuels.
- B. Burning in a fixed or portable fire pit/fireplace using charcoal, propane, clean wood or natural gas.
- C. Recreational fires pursuant to section 96-6 using charcoal or clean wood..
- D. Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least three hundred feet from other occupied structures. No more than one structure per lot or within a three-hundred-foot radius (whichever is bigger) may be burned in a training exercise.

96-5 Fixed and Portable Fire Pit/Fireplace

The following requirements shall apply to the use and operation of fixed and portable fire pits/fireplaces:

- A. No fixed fire pit or fireplace shall be permitted unless a permit has been issued for such structure by the Building Inspector. The application for the installation of a fixed fire pit/fireplace shall include a nonrefundable fee to be set by the Board of Trustees and published in the annual fee schedule and a sketch of the proposed structure's location on a survey.
 - 1. The fixed fire pit/fireplace shall be no less than 25 feet from the structure or combustible material.
 - 2. The fixed fire pit/fireplace shall be no less than 10 feet from the side yard and rear property lines.
- B. No permit shall be required for a portable fire pit/fireplace.
 - 1. The portable fire pit/fireplace shall be no less than 15 feet from a structure or combustible materials unless manufacturer specifications require a greater setback.
 - 2. The portable fire pit/fireplace shall be no less than 10 feet from the side yard and rear yard property lines.

C. Fire pits and fireplaces shall be permitted only in the rear yard. On corner lots, the rear yard will be the yard opposite the front entry door.

96-6 Recreational fires

- A. A person shall not kindle or maintain or authorize to be kindled or maintained any recreational fires unless conducted and approved in connection with this section.
- B. Recreational fires shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.
- C. Recreational fires shall be permitted only in the rear yard. On corner lots, the rear yard will be the yard opposite the front entry door.
- D. Only clean wood or charcoal can be used for recreational fires in an approved container.
- E. Recreational fires shall not extend past the boundaries of the approved container nor more than 2 feet above the approved container.

96-7 Attendance at fires

Recreational fires and fires in fixed and portable fire pits/fireplaces shall be constantly attended by a responsible adult until the fire is extinguished. Not fewer than one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose and water truck shall be available for immediate utilization.

96-8 Enforcement

The Chief of Police, Building Inspector and his/her designees are authorized to enforce the provisions of this chapter.

96-9 Inspection

In any situation where an outdoor fire is deemed to pose an imminent danger to public health, safety and welfare, the Building Inspector and his/her designees and police officers may enter onto the property where the outdoor fire is located to inspect the property for the purpose of ascertaining compliance with the provisions of this chapter.

96-10 Penalties for offenses

- A. It shall be unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to regulation by this chapter fails to comply with any of its provisions. "Otherwise controls the use of any premises" shall include kindling and/or maintaining any outdoor fire as defined herein.
- B. Any person violating any of the provisions of this chapter, upon conviction be deemed guilty of an offense punishable by a fine not exceeding \$250, or imprisonment not exceeding 15 days or both. Each day such violation is committed or permitted to continue shall constitute a separate violation.

Section 2. Effective Date

This local law shall become effective upon filing with the Secretary of State pursuant to the Municipal Home Rule Law.

