

Village of Penn Yan



on Keuka Lake

Danny Condella, Mayor
Kevin McCloud, Deputy Mayor
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Teresa Hoban, Trustee
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NOTICE OF ADOPTION

VILLAGE OF PENN YAN

Local Law To Amend Chapter 60 "Burning, Outdoor" of the Code of the Village of Penn Yan

Notice is hereby given that at a meeting of the Board of Trustees of the Village of Penn Yan, County of Yates, State of New York, which was held on the 16th day of January, 2024, the above referenced proposed Local Law was adopted.

The effect of this Local Law will be to amend Chapter 60, "Burning, Outdoor", of the Village Code to adopt regulations for control of outdoor fires in the Village of Penn Yan. A Copy of the Local Law is available at the Office of the Clerk of the Village of Penn Yan, 111 Elm Street, Penn Yan, NY 14527 during regular business hours or on the Village website www.villageofpennyan.com.

Holly Easling
Clerk/Treasurer
Village of Penn Yan

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

Proposed Local Law T of 2023 Amending Chapter 60, "Burning, Outdoor", Chapter of the Code of the Village of Penn Yan.

Be it enacted by the Board of Trustees of the Village of Penn Yan, in the County of Yates, as follows:

SECTION 1. SHORT TITLE

This Local Law shall be known as the "Burning, Outdoor" Chapter of the Village Code Amendment of 2023".

SECTION 2. LEGISLATIVE INTENT

This Local Law provides for amending the "Burning, Outdoor" Chapter of the Code of the Village of Penn Yan by adopting provisions prescribing conditions where outdoor fires are permitted in the Village of Penn Yan..

SECTION 3. LEGISLATIVE AUTHORITY

This Local Law is adopted pursuant to the Municipal Home Rule Law of the State of New York.

SECTION 4. LEGISLATIVE FINDINGS

The Board of Trustees finds that, based upon public comments and complaints, outdoor fires need more specific regulations and accordingly the within regulations are adopted.

SECTION 5. PROVISIONS.

I. Sections 60-1 and 60-2 of Chapter 60 "Burning, Outdoor" are hereby Repealed

II. The following Sections are adopted as Chapter 60, "Burning, Outdoor" § 60-1. Definitions.

For purposes of this Chapter the following terms are defined as specified:

Campfire -a small fire with burning material emitting flames no higher than three (3') feet above the burning material and not exceeding four (4') feet in width or diameter, utilized for recreational and/or social/family gatherings.

Pit – An area either on the surface of the ground or below the surface of the ground to be utilized for small bonfires or campfires prepared and constructed so as to prevent the spread of a fire from within the pit area to areas and matter outside the pit area.

§ 60-2. Prohibitions and Allowed Exceptions.

Outdoor open burning in the Village of Penn Yan is prohibited except for the following permitted exceptions:

- A. Cooking of food in or on a fireplace on a lot which fireplace has been approved by the Code Enforcement Office of the Village of Penn Yan.
- B. Cooking food in or on a commercially marketed and properly utilized device which has been designed for such purpose;
- C. Fires utilized for ceremonial, celebratory or religious purposes which are contained so as not to produce flames in excess of three (3') feet in height nor four (4') feet in width, which fire shall have been extinguished upon completion of the event for which it had been utilized;
- D. Fires produced by a municipal firefighting entity for training or investigative purposes;
- E. Recreational campfires or small bonfires ignited in a fire pit that is constructed so as to prevent the spread of a fire from within the pit area, use of materials for the fire which will not violate NYS Department of Environmental Conservation regulations, limiting the quantity at all times of combustible material that will at no time permit the fire to produce flames in excess of three (3') feet above the material being burned nor four (4') feet in width or diameter;
- F. A properly utilized LP-gas cooking device;
- G. Commercially manufactured outdoor fire pits.

§ 60-3. Regulations applicable to all fires:

- A. It is prohibited to ignite a fire with gasoline, oil of any type, kerosene or other combustible liquid other than a commercially marketed charcoal lighting fluid;
- B. Fires must be attended at all times by at least one responsible person 14 years of age or older who has the capacity to extinguish the fire, including the presence of an operable fire extinguisher and/or a hose charged with sufficient pressure to extinguish the fire;
- C. Burning or attempting to burn any materials prohibited from burning by NYS Department of Environmental Conservation Regulations is prohibited;

- D. It is prohibited to ignite a campfire, small bonfire or other open fire less than twenty-five (25') feet from any structure or within fifteen (15') feet of any property lot line;
- E. Any fire which begins to or is emitting sparks or embers that travel more than five (5') feet from the fire source shall be suppressed to terminate the emission of such sparks and/or embers;
- F. Any police officer acting in the performance of his/her duties has the authority to order any open fire to be extinguished. Failure to expeditiously extinguish the fire is a violation hereof.

§ 60-4. Enforcement and Penalties:

- A. Any person who violates any provision of this Article shall, upon conviction, be punished by a fine of not less than \$25.00 nor more than \$250.00 or by incarceration of for more than fifteen (15) days or both such fine and incarceration.**
- B. As an alternative to or in addition to a fine and/or incarceration, as provided in subsection "A" hereof the person violating such provision may be sentenced to community service. Such a community service sentence would be imposed as a definite term of hours of work to be served under the direction of the Department of Public Works of the Village of Penn Yan, and be pursuant to an Order of Conditional Discharge issued by the Court.**
- C. Each violation shall be a separate prosecutable offense.**

SECTION 6. VALIDITY

In the event that any section, sentence, clause or phrase of this Local Law is held to be invalid or unconstitutional by any Court of competent jurisdiction, said holding shall in no way affect the validity of the remaining portions of this Law.

SECTION 7. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the Secretary of State of the State of New York, subsequent to having been duly adopted by the Board of Trustees of the Village of Penn Yan.

(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)