

**VILLAGE OF CROTON-ON-HUDSON
BOARD OF TRUSTEES**

LOCAL LAW INTRODUCTORY NO. 10-2023

A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF CROTON-ON-HUDSON TO REPEAL SECTION 135-8 OPEN BURNING AND TO CREATE A NEW CHAPTER 167 ENTITLED OPEN FIRES

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

Section One. Section 135-8 of the Code of the Village of Croton-on-Hudson entitled “Outdoor burning” is hereby repealed in its entirety.

Section Two. There is hereby added to the Code of the Village of Croton-on-Hudson a new Chapter 167 entitled “Open Fires” to read as follows:

§ 167-1 Title.

This chapter shall be entitled “Open Fires.”

§ 167-2. Findings and purpose.

- A. Open fires can pose a threat to life and property in the Village of Croton-on-Hudson if not properly controlled. Said fires can cause air pollution, which can have a detrimental effect on a citizen’s health. Said fires can also spread and cause damage to other properties and their owners and may result in the possible loss of life. It is the purpose of this chapter to promote the health, comfort and convenience and general welfare of the persons and property in the Village of Croton-on-Hudson by restricting open fires.

- B. This chapter shall augment, and in no way conflict with or supersede, Title 6, Chapter 3, Subchapter A, Part 215 of the New York Codes, Rules and Regulations and, where applicable, shall regulate those areas specifically prescribed to the authority of the Village.

§ 167-3. Definitions.

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

BONFIRE

An outdoor fire that has a horizontal dimension of more than three (3) feet in length, width or diameter.

BURN BAN

The official New York State Brush Burning Ban, as established annually by the New York Department of Environmental Conservation (“DEC”).

CAMP FIRE

A camp fire or other outdoor fire less than three (3) feet in height, and less than three (3) feet in length and width or diameter.

OPEN FIRE

Any outdoor fire or outdoor smoke producing process from which air contaminants are emitted directly into the outdoor atmosphere. Open fires include burning in barrels or modified barrels. Open fires do not include burning in outdoor furnaces or boilers that are used to heat buildings when the devices are actually used for such purpose.

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 shall also 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.

PERSON

Any individual, firm, partnership, company, corporation, society, association or group.

RED FLAG WARNING

An official weather alert issued by the National Weather Service or successor agency.

REFUSE

Solid or liquid waste materials, including, but not limited to, rags, cartons, chemicals, paint, grease, sludges, oils, any petroleum products other than legitimate home heating and cooking products, construction materials, including, but not limited to, sheetrock, chip 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, leaves, paper and paper products, packaging materials, Styrofoam, mattresses, cigarette filters, glass, plastic of any kind and furniture.

SMALL FIRE

An outdoor fire less than three (3) feet in height, and less than three (3) feet in length and width or diameter.

UNTREATED WOOD

For the purposes of this chapter, any wood or lumber which is not chemically treated, coated, stained, sealed, glued or otherwise adulterated. Untreated wood does not include such materials as pressure treated lumber, plywood, particle board, fiberboard, and oriented strand board.

§ 167-4. Open Fires Prohibited.

- A. Except as allowed in Section 167-5, no person shall burn, cause, suffer, allow or permit the burning of any materials in an open fire.

§ 167-5. Restricted Open Fires Subject to Burn Permits.

- A. Burning Permits Required. Notwithstanding Section 167-4 above, the following activities are permitted subject to receipt of a valid Burning Permit issued by the Village Manager:
1. Ceremonial or celebratory bonfires where not otherwise prohibited by law, provided that only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.
- B. Application and Issuance of Burning Permits.
1. An application for a burning permit shall be filed at least five working days prior to the projected open fire and shall be accompanied by the required fee, as adopted by the Village Board of Trustees.
 2. The permit application shall contain such information as the Village Manager, after consulting the Village Fire Department, determines to be necessary to assure the safety and security of person and property and the avoidance of air pollution or other harm to the surrounding environment.
 3. A burning permit may be suspended or revoked by the Village Manager, or if he is not available by the Fire Chief, for failure to comply with its conditions, a violation of law in connection with the burning or in the likely occurrence of dangerous conditions.
 4. Any burning permit issued pursuant to this chapter shall contain the condition that the open fire shall be attended at all times with appropriate fire-extinguishing equipment readily available.
- C. Restrictions on the Issuance of Burning Permits. No burning permit shall be issued by the Village Manager during an active Red Flag Warning or Burn Ban period.

§ 167-6. Exemptions.

Notwithstanding Sections 167-4 and 167-5, the following activities and apparatus are expressly permitted and exempt from the requirements of a permit:

- A. Grilling or cooking using charcoal, propane, butane, untreated wood, or natural gas in cooling or grilling appliances approved for such solid, liquid, or gas fuels.
- B. Maple sugar arches and similar outdoor cooking devices when actually used for cooking or processing food.
- C. 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.

- D. Burning in a stove, outdoor fireplace, fire pit, or furnace, unless the material being burned includes refuse as defined in this chapter.
- E. The use of propane, butane, acetylene, natural gas, gasoline, diesel or kerosene in an approved device intended for heating, construction or maintenance activities.
- F. Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing processes where not otherwise prohibited by law that are used in connection with a religious ceremony and the fire is not left unattended until extinguished.

The Village of Croton-on-Hudson discourages the above activities and apparatus during an active Red Flag Warning or Burn Ban period.

§ 167-7. Penalties for Offenses.

- A. Notwithstanding any conviction(s) for violation of state law, violation of this Chapter shall constitute a violation of the Village Code, subject to penalties provided by § 1-12 of Chapter 1 of the Village of Croton-on-Hudson Code and revocation of any and all permits issued pursuant to this Chapter. Any such violation will also be considered in determining whether future permits under this Chapter should be issued to the same sponsor and/or operator.
- B. The provisions of this Chapter shall be enforced by the Village Police Department of the Village of Croton-on-Hudson, Code Enforcement Officers of the Village of Croton-on-Hudson, or other officials designated by the Village Manager.

Section Three. Severability.

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section Four. Effective Date.

This local law shall take effect immediately upon filing with the Secretary of State.