

(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 use italics or underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
JAN 07 2008

County
City of Chester
Town
Village

Local Law No. 1 of the year 2007.

MISCELLANEOUS
STATE RECORDS

A LOCAL LAW REGULATING BURNING

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

County
City of Chester as follows:
Town
Village

1. Legislative findings.

- A. The open burning of garbage on the surface of the ground, in pits or in trash burners or barrels creates offensive smoke and odors and results in a residue of unburned garbage which decays and causes offensive odors and attracts flies, rodents and vermin, and is a menace to public health.
- B. The unrestricted burning in an open fire of rubbish causes air pollution and is generally an unhealthy practice.

2. Definitions.

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

BRUSH — Trees, leaves, needles, branches, vines and lawn and garden debris.

GARBAGE — Waste food, fruit, vegetables, meat, dead animals, birds or fish or parts thereof, or any kind of waste material capable of fermentation or decay.

OPEN FIRE — Any outdoor fire or outdoor smoke-producing process from which air contaminants are emitted directly into the outdoor atmosphere.

PERSON — Any individual, society, club, firm, partnership, corporation, municipality or association of persons.

RUBBISH — Solid or liquid waste material, including but not limited to rags, furniture, cans, crockery, plastics, cartons, chemicals, paint, grease, sludges, oils and other petroleum products, treated wood, non-wood demolition materials, tires and automobiles and other vehicles and parts for junk, salvage or disposal.

CONTINUED ON PAGE (1-A)

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

3. Burning of garbage, rubbish and/or brush.

A. No person shall burn or cause or permit to be burned any garbage or rubbish in an open fire on the ground, a trash burner, barrel or pit, an outdoor or indoor recreational fire or an outdoor furnace or boiler. Garbage and rubbish shall be disposed of by depositing it at an authorized solid waste management facility.

B. Burning paper and/or untreated wood in trash barrels is permitted. Outdoor furnaces and boilers are permitted provided that no treated wood, garbage or rubbish is burned.

C. Open fires used exclusively for the purpose of preparing food are permitted provided that the fire is properly contained, appropriately sized and temporary in nature.

D. Burning of brush in an open fire is allowed only after a burning permit is obtained from the New York State Department of Environmental Conservation. Outdoor recreational fires are permitted without a burning permit.

E. Fire Companies, Fire Districts and Fire Protection Districts are exempt from the above provisions for training purposes. Acquired structures which are to be used for training must have the asphalt or plastic roofing materials, asphalt or vinyl siding and/or any asbestos materials removed prior to any burning of the structure.

4. Penalties for offenses.

An offense against any of the provisions of this Local Law shall be a violation and, upon conviction thereof, the violator shall be subject to a fine of not more than Two Hundred Fifty Dollars (\$250).

5. Effective date.

This Local Law shall take effect upon filing with the Secretary of State of the State of New York.

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(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. 1 of **2007** of the (County)(City)(Town)(Village) of Chester was duly passed by the **Town Board** on **December 11, 2007**, 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 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 199__, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, 199__, in accordance with the applicable provisions of law.~~
~~*(Name of Legislative Body)*~~
~~*(Elective Chief Executive Officer)*~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 199__. 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 _____, 199__, 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 199__ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 199__, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____, 199__. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 199__, 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.)~~

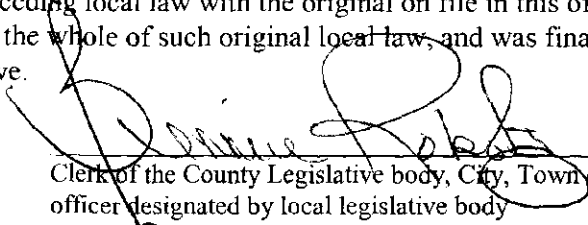
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 199____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 199____, 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 199____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 199____, 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 town 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

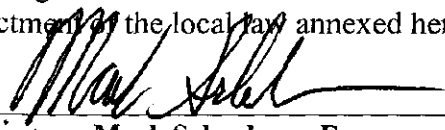
(Seal)

Date: Dec 31, 2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF WARREN

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature: **Mark Schachner, Esq.**

Town Counsel
Title

County
City
Town of **Chester**
Village

Date: December 28, 2007