

Local Law Filing

New York State Department of State
162 Washington Avenue, Albany, New York 12231

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.

Town of Fowler

Local Law Number 3 of the Year 2024

A local law Establishing Burning Regulations.

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

Town of Fowler as follows:

SECTION 1. PURPOSE

This local law is intended to promote the public health, safety and welfare and to safeguard the health, comfort, and living conditions of the citizens of the Town of Fowler and to prevent the air pollution and fire hazards of open burning, outdoor burning and refuse burning.

SECTION 2. APPLICABILITY

This local law applies to all outdoor burning and refuse burning within the Town of Fowler.

A. This local law does not apply to grilling or cooking food, using charcoal, clean wood, propane or natural gas in cooking or grilling appliances.

B. This local law does not apply to burning in a stove, furnace, boiler, fireplace or other heating device within a building used for human or animal habitation, unless the material being burned includes refuse as defined in Section 4 of this law.

C. This local law does not apply to the use of propane, acetylene, natural gas, gasoline or kerosene in a device intended for heating relative to construction or property maintenance activities.

SECTION 3. SEVERABILITY

Should any portion of this local law be declared unconstitutional or invalid by a court of competent jurisdiction, the remainder of this law shall not be affected.

SECTION 4. DEFINITIONS

A. "Campfire" means a small outdoor fire intended for recreation or cooking, not including a fire intended for disposal of waste wood or refuse. It is a form of "open burning."

B. "Clean Wood" means natural wood 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.

C. "Confidential Papers" means printed material containing personal identification or financial information.

D. "Fire Chief" means the Chief of the Gouverneur Volunteer Fire Company or other person authorized by the Fire Chief to act on his/her behalf under this law.

E. "Open Burning" means igniting or maintaining a fire where products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

F. "Outdoor Burning" means open burning in a Weatherized Warm Air Furnace or Boiler.

G. "Refuse" means any waste material except clean wood.

H. "Weatherized Warm Air Furnace or Boiler" means a furnace or boiler commonly known as an outdoor furnace and designed for installation outdoors, supplied with its own venting system and utilizing combustible materials as fuel.

SECTION 5. GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING

Open burning, outdoor burning and refuse burning are prohibited in the Town of Fowler unless specifically permitted by this law.

SECTION 6. MATERIALS THAT MAY NOT BE BURNED

A. Unless a specific written approval has been obtained from the New York State Department of Environmental Conservation, the following materials may not be burned in an open fire, incinerator, burn barrel, furnace, stove or any other indoor or outdoor incineration or heating device.

B. Rubbish or garbage, including but not limited to food waste, food wrap, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other household or business waste.

C. Waste oil or other oily wastes, except used oil burned in a heating device for energy recovery subject to the restrictions in New York State Department of Environmental Conservation Rules and Regulation, 6 NYCRR Subpart 374-2, Standards for the Management of Used Oil.

D. Asphalt and products containing asphalt.

E. Treated or painted wood, including but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.

F. Any plastic material, including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films and plastic containers.

G. Rubber, including tires and synthetic rubber-like products.

H. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled in accordance with the recycling law, except as provided in Section 10 of this law.

SECTION 7. OPEN BURNING OF LEAVES, BRUSH, CLEAN WOOD AND OTHER VEGATATIVE DEBRIS

Open burning of leaves, weeds, brush, stumps, clean wood and other vegetative debris is allowed in the Town of Fowler only in accordance with the following provisions:

A. All allowed open burning shall be conducted in a safe, nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not to create a health hazard or a visibility hazard on public lands or roadways.

B. Open burning shall be conducted in conformance with all local and state fire protection regulations.

C. Open burning under this section shall only be conducted at a location at least 500 feet from the nearest building, which is not on the same property, unless otherwise stated.

D. Except for barbecue, gas and charcoal grills, no open burning shall occur during periods when an administrative burning ban has been issued to the applicable to the area.

E. Open burning shall be conducted only on the property on which the materials were generated.

F. Outdoor campfire cooking or recreation is allowed, provided that the fire is confined by a control device or structure such as a barrel, fire ring, or fire pit. Campfires shall only be conducted a location at least 125 feet from the nearest building which is not on the same property and cannot be located in the Town, County or State right-of-way; cannot exceed three

(3) feet in height or length; and shall not be located under overhanging limbs or brush or any combustible materials.

G. Bonfires for ceremonies are allowed only if approved by permit and in accordance with provisions established by the Fire Chief, Town of Fowler, or authorized representative.

H. Open burning under this section shall only be conducted at a location at least 500 feet from the nearest building which is not on the same property, unless otherwise stated.

I. Except for campfires and permitted bonfires, open burning shall only be conducted between the hours of 12:00 p.m. and 6:00 p.m.

K. Open burning shall be constantly attended and supervised by a competent person at least eighteen (18) years of age until the fire is extinguished. The person shall have readily available for use such fire extinguishing equipment as may be necessary for the total control of the fire.

L. No materials may be burned upon any street, curb, gutter or sidewalk or on the ice of a lake, pond, stream or waterbody.

M. Except for barbecue, gas and charcoal grills, no burning shall be undertaken within 20 feet from any combustible material, combustible wall or partition, exterior window opening, access or exit area of any structure authorized by the Town of Fowler, Fire Chief, or a duly authorized representative.

SECTION 8: BURN BARRELS

No person shall use or maintain a burn barrel in the Town of Fowler.

SECTION 9: EXEMPTION FOR BURNING CERTAIN PAPERS

A. Notwithstanding Section 6 Subsection H of this law, paper and cardboard products may be used as a started fuel for a fire that is allowed under this law.

B. Small quantities of confidential papers from a residence may be burned, if necessary to prevent the theft of financial records, identification or other confidential information.

C. Confidential papers from a commercial enterprise shall be shredded or destroyed in a manner other than burning.

D. A fire set for burning of a small quantity of confidential papers shall be subject to and comply with Section 7 Subsections A, B, G and K-M of this law.

SECTION 10: LIABILITY

A person utilizing or maintaining any combustion process, either indoor or outdoor, in the Town of Fowler shall be responsible for all fire suppression costs and any other liability resulting from damage or injury caused by the fire.

SECTION 11: RIGHT OF ENTRY AND INSPECTION

The Fire Chief or any authorized officer, agent, employee or representative of the Town of Fowler, who presents valid credentials may inspect any property for the purpose of ascertaining compliance with the provisions of this law.

SECTION 12: ENFORCEMENT AND PENALTIES

A violation of the forgoing law or any section thereof shall be considered a misdemeanor act of disorderly conduct, punishable by a fine of not more than \$250.00 or by imprisonment for not more than five (5) days, or both such fine and imprisonment, for a first offense; and a fine of not more than \$500.00 or by imprisonment for not more than five (5) days, or both such fine and imprisonment, for a second violation, and each subsequent violation.

SECTION 13. REPEALER

Any local laws, or sections thereof, not in conformity with this local law shall be considered null and void.

SECTION 14. EFFECTIVE DATE

This Local Law shall be effective upon the date of filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.

(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 Town of Fowler was duly passed by the Town Board on _____, 2024, in accordance with the applicable provisions of law.

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
(Name of Legislative Body)
disapproved)(repassed after disapproval) by the _____ and
(Elective Chief Executive Officer*)
was deemed duly adopted 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
(Name of Legislative Body)
disapproved)(repassed after disapproval) by the _____ on
(Elective Chief Executive Officer*)
_____, 20____. 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
(Name of Legislative Body)
disapproved)(repassed after disapproval) by the _____ on
(Elective Chief Executive Officer*)
_____, 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 chairman 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.

