

STATE OF NEW YORK  
**DEPARTMENT OF STATE**

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99 WASHINGTON AVENUE  
ALBANY, NY 12231-0001  
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ANDREW M. CUOMO  
GOVERNOR  
ROSSANA ROSADO  
SECRETARY OF STATE

April 10, 2019

**RECEIVED**

Village Clerk  
4 Massachusetts Street  
PO Box 537  
Nunda NY 14517-0537

APR 17 2019

**VILLAGE OF NUNDA**

**RE: Village of Nunda, Local Law 1 2019, filed on March 26, 2019**

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, [www.dos.ny.gov](http://www.dos.ny.gov).

Sincerely,  
State Records and Law Bureau  
(518) 473-2492



**Department  
of State**

## Local Law Filing

(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.

County  City  Town  Village  
(Select one:)

of Nunda

Local Law No. 1 of the year 2019

A local law The Open Burning Law of the Village of Nunda  
(Insert Title)

Be it enacted by the Nunda Village Board of Trustees of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Nunda

as follows:

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

(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 2019 of the (County)(City)(Town)(Village) of Nunda \_\_\_\_\_ was duly passed by the Nunda Village Board of Trustees \_\_\_\_\_ on March 12 2019, in accordance with the applicable (Name of Legislative Body) 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 approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer\*) 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 approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 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 approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 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 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 20\_\_\_\_ 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 \_\_\_\_\_ 20\_\_\_\_, 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 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, 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 towns 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.

*Int. Ray J. Wood*

G Clerk of the county legislative body, City, Town or Village Clerk or  
officer designated by local legislative body

(Seal)

Date: 3-21-2019

**LOCAL LAW NO. 1-2019**  
**VILLAGE OF NUNDA**  
**OPEN BURNING LAW OF THE VILLAGE OF NUNDA**

**Title:**

Be it enacted by the Board of Trustees of the Village of Nunda: this local law shall be known as "The Open Burning Law of the Village of Nunda"

**SECTION 1 PURPOSE**

The purpose of this local law is to provide a regulatory outline for the regulation of the open burning of any materials within the Village of Nunda and provide reasonable restrictions which will preserve public health, safety, and welfare of all residents within the Village of Nunda.

**SECTION 2 DEFINITIONS**

Definitions as used in this section, the following terms shall have the meanings indicated.

**GARBAGE:** Animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.

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

**REFUSE:** All waste material, including, but not limited to, garbage, rubbish, incinerator residue, street sweepings, dead animals, and offal.

**RUBBISH:** Solid or liquid waste material, including , but not limited to, paper and paper products; rags; trees or leaves, needles and branches therefrom; vines; lawn and garden debris; furniture; cans; crockery; plastic cartons; chemicals; paint; grease; sludge; oils and other petroleum products; lumber; sawdust; demolition materials; tires; and automobiles and other vehicles and parts for junk, salvage or disposal.

**BONFIRE:** An outdoor fire utilized for ceremonial purposes.

**RECREATIONAL FIRE:** An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of two feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

**SECTION 3 GENERAL RULES**

A. Outdoor fire burning materials other than rubbish, refuse or garbage where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbecue grill or barbecue pit and has a total fuel area of two feet or less in diameter and two feet or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes shall be permitted.

B. Prohibited burning. The following fires are prohibited in the Village of Nunda.

- (1) The burning of garbage, refuse, and rubbish in any manner is prohibited.
- (2) All open fires are prohibited in the Village of Nunda, with the exception of those in conformity with the provisions of this article.
- (3) Open burning for outdoor cooking is prohibited in or on multiple dwelling structures.
- (4) Burning of any piles of brush and leaves are prohibited.
- (5) All open burning ban regulations from the months of March to May or as prescribed by the New York State Department of Environmental Conservation must be adhered to while in effect.

## **SECTION 4 ADMINISTRATION & ENFORCEMENT**

A. Permitted Burning: Burning in an open fire, provided that it is not contrary to any other federal, state, county or local law ordinance, rule or regulation, will be permitted as follows:

**(1) Bonfires.** Bonfires shall be permitted only for a publicly sponsored celebration or event, an organization-sponsored event, or for a public or private school sponsored event. Said bonfires shall be subject to the filing and approval of a Bonfire Permit Application from the municipality Code Enforcement Official, *prior* to any bonfire being lit and taking place. No fire shall be ignited prior to an on-site inspection of the location where the bonfire is to take place and shall be subject to any and all conditions or restrictions the Code Enforcement Official may impose for the safety of life and property. The Fire Department shall be notified prior to igniting any bonfire permitted by the Code Enforcement Official.

(2) **Outdoor cooking.** Open burning will be permitted for outdoor cooking when the fire is limited to the minimal size necessary and contained in a device or cooking utensil commonly referred to as a grill, hibachi, or smoker designated for outdoor cooking purposes. Fuels for outdoor cooking will be limited to charcoal or charcoal briquettes, natural gas, LP gas and wooden chips. All applicable and/or reasonable safety precautions shall be taken when using said devices or utensils. Outdoor cooking shall not be permitted on balconies or second story porches.

(3) **Natural gas or LP gas.** Outdoor fireplaces or fire pits with ceramic logs, untreated wood and unpainted wood shall be permitted, provided that such appliance conforms to all other applicable Village codes. All other forms of recreational fires are prohibited.

(a) A recreational fire or any outdoor open fire shall not be greater than two feet in height and two feet in length in width and diameter, and shall be contained in a fire approved device. Said fire shall be a minimum of 20 feet away from any structure including wooden, plastic and/or vinyl fences and shall be a minimum of 20 feet from any side property line and a minimum of 30 feet from any rear property line. All fires shall not be left unattended until fully extinguished.

- (b) A recreational fire shall not be conducted within 20 feet of a structure or combustible material. Conditions which could cause a fire to spread within 20 feet of a structure shall be eliminated prior to ignition.
- (c) A working fire extinguisher or suitable water source shall be present at all times.
- (d) Notwithstanding the foregoing, in the event that an otherwise permitted recreational fire shall cause a nuisance or harm to a neighboring residence or occupants of said residence due to specific health related issues, then the individuals charged with enforcing said provisions of this section fall under Section 6 of this local law and shall retain the right in their discretion to limit or prohibit said fire.

## **SECTION 5**

## **CONTROL OF FIRES WITHIN THE MUNICIPALITY**

If, in the opinion of the Code Enforcement Official, law enforcement, or local fire chief identify weather conditions are such that the starting or the continuation of burning is a risk to life, health, safety, or property within the Village, said officials shall have the right to declare that any and all burning shall *cease* immediately until further notice.

## **SECTION 6**

## **ENFORCEMENT**

The Village Code Enforcement Official, law enforcement, or the local fire chief are hereby vested with authority to enforce the provisions of this local law. The official-in-charge when called onto a scene is hereby authorized to order the extinguishing of fire present by either the individual/homeowner/tenant or by the local fire department when certain safety conditions exist as determined by stated enforcement officials named within this section.

## **SECTION 7**

## **PENALTIES AND OFFENSES**

- (1) Any violation by a person, firm or corporation of any provision of this section shall be deemed a violation pursuant to Penal Law of the State of New York, punishable by a fine not exceeding \$250 or by imprisonment for a term not exceeding 15 days or both.
- (2) Any person who takes part in or assists in any violation of this section shall be subject to the penalties provided herein.
- (3) Each day (twenty- four- hour period) that a violation of this section is committed or permitted to exist shall be deemed to constitute a distinct and separate violation.

## **SECTION 8**

## **CONSTITUTIONALITY**

In the event, any part or section of this local law shall be held to be unconstitutional or invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.