

VILLAGE OF AIRMONT
STATE OF NEW YORK

LOCAL LAW No. 1 of 2022

A LOCAL LAW TO AMEND VILLAGE CODE SECTION 80 ENTITLED BUILDING
CONSTRUCTION AND FIRE PREVENTION SECTIONS 80-31 OUTDOOR FIRES AND 80-
36 OPEN FLAME COOKING OUTSIDE MULTIPLE RESIDENCES

BE IT ENACTED by the Village Board of the Village of Airmont as follows:

Section 1. Title of Local Law

This Local law shall be entitled “a Local Law to Amend portions of Section 80-31 of the Code of the Village of Airmont with respect to Outdoor Fires, and to delete 80-36 Open Flame Cooking Outside Multiple Residences, of the Village Code with the language to be incorporated into 80-31.

Section 2. Authorization

The Local Law amending Section 80 Entitled Building Construction and Fire Prevention Sections 80-31 Outdoor Fires And 80-36 Open Flame Cooking Outside Multiple Residences the Village Code of the Village of Airmont is enacted pursuant to the authorization established in the New York State Municipal Home Rule Law Sections 10 and the Village Law of the State of New York, including but not limited to Village Law Article 4.

Section 3. Purpose

The Board of Trustees of the Village of Airmont has been determined that the use and enjoyment of open pit fires for warmth and for cooking is desirable to the residents and the Village Board desires to amend its Code to provide for such activities while ensuring the health, welfare and safety of its residents.

Section 4. Amendment

The Village Code at Section 80-31 shall be amended to read as follows:

- A. Definitions. As used in this section, the following terms shall have the meanings indicated.

GARBAGE

The 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 general waste.

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

A recreational fire. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 2 feet (610mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes (per 2010 Fire Code of New York State).

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

- (1) The burning of garbage, refuse and rubbish in any manner is prohibited.
- (2) All open fires are prohibited in the Village of Airmont, with the exception of those in conformity with the provisions of this article.
- (3) The use of grills, barbecues, or other devices for open burning or for outdoor cooking is prohibited in, upon or within 25 feet of multiple dwelling structures. The storage of propane or any other fuel used for any such devices inside any multiple dwelling shall also be prohibited.

C. 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 open burning permit application with the Village Clerk's office, 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 Fire Marshall's office may impose for the safety of life and property. No fire shall be ignited prior to the issuance of an open burning permit by the Fire Marshall's office and the Fire Department shall be notified 48 hours prior to igniting any bonfire permitted by the Fire Marshall's office.

(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, covered porches or covered patios.

(3) Recreational fires. 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 conform to all other applicable Village codes. All other forms of recreational fires are prohibited.

i. 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 25 feet away from any structure including wooden, plastic and/or vinyl fences and shall not be left unattended until fully extinguished.

ii. A recreational fire shall not be conducted within 25 feet of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet of a structure shall be eliminated prior to ignition.

iii. A working garden hose and/or fire extinguisher shall be present at all times.

iv. 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 issues related to said home or occupants, then the individuals charged with enforcing said provisions of this section under Section E shall retain the right in their discretion to limit or prohibit said fire.

D. Control of fires within the Village. If, in the opinion of the Fire Inspector or Fire Chief, 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.

E. Enforcement. The Fire Inspector, Fire Chief and such fire-fighting personnel as the Fire Chief designates, along with officers of the Town of Ramapo Police Department are hereby vested with authority to enforce the provisions of this section. The Fire Department is hereby authorized to extinguish any open burning fire being conducted in violation of any of the provisions of this section.

F. Penalties for 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 therein.

(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.

The title of Section 80-36 is to be amended to replace “Open-Flame Cooking outside multiple residences with “Reserved.”

Section 5. SEQRA

This local law is a TYPE II action pursuant to 6 NYCRR 617.5, subdivisions (26) and (33).

Section 6. Effective Date

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