

# **TOWN of FINE**

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## **Local Law**

# **OPEN BURNING**

Local Law Filing  
New York State Department of State  
41 State Street, Albany, NY, 12231

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Town of Fine

Local Law No. 3 of the year 2003

**A local law relating to the banning of open burning of garbage, trash, rubbish and debris**

Be it enacted by the Town Board of the Town of Fine, in the County of St. Lawrence, as follows:

SECTION 1:

**PURPOSE**

The Town Board of the Town of Fine finds that the common practice of burning of garbage and rubbish to be harmful to the health, safety, and welfare of the people within the Town of Fine and damaging to the environment. The purpose of this law is to protect the health, safety and welfare of the residents of the town and the environment by banning the burning of garbage and rubbish in any burn barrels, open pits, outdoor or indoor fireplaces, incinerators, woodstoves; or in any other mechanism for burning garbage or rubbish.

This law is not intended to prohibit the legitimate use of indoor or outdoor fireplaces, woodstoves, furnaces, barbeque pits, or grills, nor to prohibit any burning for which a permit is obtained by the Department on Environmental Conservation or any other proper issuing authority.

SECTION 2:

**AUTHORITY**

This local law is enacted pursuant to the provisions of the Municipal Home Rule of the State of New York.

SECTION 3:

**TITLE**

The title of this law shall be "Law Banning Open Burning of Garbage and Rubbish of the Town of Fine."

SECTION 4:

**DEFINITIONS**

- 1) Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and serving of food.
- 2) Rubbish: Solid or liquid waste materials, including but not limited to paper and paper products, rags, furniture, cans, plastics, cartons, chemicals, paint, grease, sludges, oils, any petroleum products other than legitimate home heating and cooking products, construction materials including but not limited to lumber sheet rock, chip board, concrete, asphalt or fiberglass shingles, or pressure treated lumber, automobile parts, tires, dead animals, metal goods including but not limited to refrigerators, stoves and like appliances, paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, glass, bedding, crockery, offal, and similar materials
- 3) Code Enforcement Officer: The Code Enforcement Officer of the Town of Fine or such other person appointee by the Town Board to enforce the provision of law or code of the Town of Fine, including this law.

SECTION 5

**PROHIBITED ACTIVITIES**

It shall be unlawful for any person to burn garbage or rubbish in any burn barrels, open pits, outdoor or indoor fireplaces, incinerators, woodstoves, or in any other mechanism for burning garbage or rubbish.

SECTION 6

**PROCEDURE**

Upon observing or receiving a complaint with respect to a violation of this law, the Code Enforcement Officer shall respond to the source of the complaint. If the Code Enforcement Officer finds probable cause to believe there has been a violation of this law, he or she shall issue a citation to the offending person or persons ordering the person or persons to respond to the charge in the Justice Court for the Town of Fine not more than 30 days after the issuance of the citation. The original citation should be filed with the Justice Court for the Town of Fine.

SECTION 7

**PENALTIES**

The penalty to be imposed for violation of this law shall be a fine of not more than two hundred fifty dollars (\$250) or up to 10 days in jail.

SECTION 8

**SEPARABILITY**

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision shall be deemed or declared invalid, all other provisions hereof shall remain valid and enforceable.

SECTION 9

**REPEALER**

This local law shall supersede all prior local law, ordinances, rules and regulations relative to the open burning of garbage or rubbish within the Town of Fine, and they shall be upon the effectiveness of this local law, null and void.

SECTION 10

**EFFECTIVE DATE**

This local law shall be effective January 15, 2004.