

## Chapter 49: BURNING, OUTDOOR

[HISTORY: Adopted by the Town Board of the Town of Wilton 11-5-1998 by Ord. No. 2-1998;

*Editor's Note: This ordinance repealed former Ch. 49, Outdoor Burning, adopted 8-6-1998.*

amended in its entirety 1-7-2010. Amendments noted where applicable.]

### GENERAL REFERENCES

Refuse collection — See Ch. 94.

#### Chapter 49: BURNING, OUTDOOR

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§ 49-1 Purpose.

Open burning of materials can pose a threat to life and property in the Town of Wilton if not properly controlled. Such burning can cause air pollution which can have detrimental effects on a citizen's health. Such burning can spread and cause damage and possible loss of life to other properties and their owners. It is the purpose of this chapter to provide for the safety, health, protection and general welfare of persons and property in the Town of Wilton by restricting the open burning of combustible materials. It is not the intent of this chapter to prohibit recreational burning if proper precautions are followed.

§ 49-2 Burning of certain materials prohibited.

Except as permitted elsewhere in this chapter, the following materials shall not be allowed to be burned in an open fire:

- A. Garbage.
- B. Refuse.
- C. Rubbish generated by residential, commercial or industrial activities other than agricultural.
- D. Leaves and pine needles.

#### § 49-3Definitions.

As used in this chapter, 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 outdoor fire or outdoor smoke-producing process from which 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 products, rags, trees or leaves and needles and branches therefrom, vines, lawn and garden debris, furniture, cans, crockery, plastics, cartons, chemicals, paint, grease, sludge, oils and other petroleum products, wood, sawdust, demolition materials, tires, automobiles and other vehicles and parts for junk, salvage or disposal. Rubbish shall not include garbage, incinerator residue, street sweepings, dead animals or offal.

#### § 49-4Outdoor fireplaces and grills; bonfires.

A. Nothing in this chapter shall pertain to the operation of outdoor grills or fireplaces for the preparation of food where the source of heat is either wood, charcoal or gas.

B. Bonfires for recreational purposes, with a flame height not to exceed five feet, that are three feet in diameter and three feet of piled height, are permitted, provided that the fuel source is clean wood. Open burning of bonfires shall be subject to the provisions of Subsections C, D, E, F, G and H under § 49-5 of this chapter.

#### § 49-5Restricted residential burning.

Burning in an open fire, provided that it is not contrary to any other law, will be allowed upon lots of two acres or more, but not within the confines of a mobile home park, as follows:

A. Land clearing/cleanup and or demolition material consisting of clean wood, trees, tree trimmings, or brush. Such burning shall only be done on the site where the materials are generated.

B. No burning is allowed within 100 feet of a property line.

C. No burning is allowed on the day that the following holidays are observed:

(1) Memorial Day.

(2) Fourth of July.

(3) Labor Day.

D. No burning is allowed between March 16 and May 14 due to the increased risk of wildfires.

E. No burning is allowed when the Town Fire Marshal has duly posted a fire prohibition.

F. Prior to any burning, the County Office of Fire Control shall be notified. Such notification shall include the location and time of the burn. The Office of Fire Control shall also be notified when the burn is completed [(518) (885-5522)].

G. Open fires allowed under this section and § 49-4 shall be attended at all times by a responsible adult.

H. Appropriate fire-extinguishing equipment, as designated by the Town Fire Marshal, shall be available at all times during the burn.

#### § 49-6 Exemptions.

Open fires upon lands owned by the Town of Wilton or any fire department and open fires under the direction of any fire department are exempt from this chapter.

#### § 49-7 Responsibility of person conducting burn.

A. Burning allowed by this chapter does not relieve the person conducting the burn from the responsibility of courtesy to neighbors, nor does it relieve him/her from the responsibility of not interfering with the enjoyment of life or property of others. It is his/her responsibility to take steps that assure that no off-site nuisances from smoke, embers, etc., occur.

B. The Fire Marshal or the chief firematic officers of the applicable fire company can order any fire extinguished if he or she deems that proper responsibility is not being exercised.

C. This chapter does not relieve the person performing the burn of the responsibility of obtaining other permits required by the State of New York or other agencies.

#### § 49-8 Enforcement.

Enforcement of this chapter shall be by the Town of Wilton Fire Marshal or any other law enforcement officer. They shall have the power to issue citations for violations of this chapter.

#### § 49-9 Penalties for offenses.

A. A first violation of this chapter is an offense punishable by a fine not exceeding \$250 or imprisonment not to exceed 15 days, or both. For the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed violations, and, for such purpose, all provisions of law relating to violations shall apply to such violations. In addition thereto, the Town authorities shall have such other remedies as are provided by law to restrain, correct or abate any violation of this chapter.

B. A second offense within five years of the first offense is punishable, a fine of not less than \$350 nor more than \$700 or imprisonment not to exceed six months, or both.

C. A third or subsequent offense within a five year period is punishable by a fine of not less than \$700 nor more than \$1,000 or imprisonment not to exceed six months, or both.