

OPEN BURNING

General provisions.

A person shall not kindle or maintain or authorize to be kindled or maintained any open burning unless conducted and approved in accordance with this local law.

Definitions.

As used in the local law, the following terms shall have the meanings indicated:

BARBECUE PIT – A noncombustible container designed for roasting or baking food or meat over an open fire.

BONFIRE – An outdoor fire utilized for ceremonial purposes. A ceremony is a formality observed on a special or specific occasion; a ritual; a customary procedure.

COOKING DEVICE – A noncombustible device designed for cooking food or meat. A cooking device shall be fueled by either natural gas, electricity, liquefied petroleum gas (LP gas), or commercial charcoal or briquettes.

OPEN BURNING – The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudge pots, and similar devices associated with safety or occupational uses.

OUTDOOR FIREPLACE – A noncombustible container designed for burning wood wherein products of combustion are emitted into the air by either passing through a stack or chimney from an enclosed container. The total noncombustible container area shall be maximum of 4 feet or less in diameter.

OUTDOOR FIRE PIT – A noncombustible container designed for burning wood wherein products of combustion are emitted into the air without passing through a stack or chimney from an enclosed container. The total noncombustible container area shall be maximum of 4 feet or less in diameter.

RECREATION FIRE – An outdoor fire burning material other than rubbish where the material being burned is contained in a noncombustible/nonflammable container designed for burning and has a total container area of 4 feet or less in diameter for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.

Bonfires.

- A. An operational permit for a bonfire shall be obtained from the Village Office or his or her designee prior to igniting such bonfire. Application for such approval shall only be presented by and a permit issued to the owner of the land upon which the bonfire is to be kindled. Permit approval may take approximately two (2) weeks to process.
- B. Permit Fees. The fees to be paid for a permit shall be established by the Board of Trustees by resolution, from time to time. A permit will be valid for one day only.
- C. A bonfire that is hazardous or unreasonably interferes with the comfortable enjoyment of life or property due to smoke or odor emissions shall be prohibited.
- D. A Fire Chief or any Police Officer is authorized to order the extinguishment of a bonfire that is hazardous or unreasonably interferes with the comfortable enjoyment of life or property due to smoke or odor emissions.
- E. Materials. Materials used for fuel for a bonfire shall consist of ***clean, untreated or unpainted wood only***.
- F. Size. The pile size for a bonfire shall be 12 feet or less in diameter and 6 feet or less in height.
- G. Location. The location of a bonfire shall not be less than 100 feet from any building, structure, or neighboring property line, and the person issued a permit shall make provisions to prevent the fire from spreading to within 100 feet of any building, structure, or neighboring property line.

Open burning.

Open burning shall be prohibited.

Recreational fires.

- A. A recreational fire shall not be conducted within 25 feet of any building, structure, or combustible material unless the fire is contained in a barbecue pit, outdoor fireplace or outdoor fire pit. Materials used for fuel for a recreational fire shall consist of charcoal or clean, untreated or unpainted wood only.
- B. Exceptions:
 - 1. Except as otherwise provided in this local law, a cooking fire contained in a cooking device designed for cooking and fueled by natural gas, electricity, liquefied petroleum gas, or commercial charcoal or briquettes.
 - 2. A recreational fire contained in a container, designed for burning combustibles, positioned on a noncombustible surface, and that is not less than 15 feet from a building or structure.
 - 3. A cooking fire in a container, designed as a barbecue pit, positioned on a noncombustible surface, and that is not less than 15 feet from a building or structure.
- C. A recreational fire that is hazardous or unreasonably interferes with the comfortable enjoyment of life or property due to smoke or odor emissions shall be prohibited.
- D. A Fire Chief or any Police Officer or his or her designee is authorized to order the extinguishment of a recreational fire that is hazardous or unreasonably interferes with the comfortable enjoyment of life or property due to smoke or odor emissions.

Attendance.

Bonfires and recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other locally approved on-site fire extinguishing equipment, such as dirt, sand, a water barrel, garden hose or fire truck, shall be available for immediate utilization.

Open-flame cooking devices.

- A. Charcoal burners and other open-flame cooking devices shall not be operated on combustible balconies, decks, porches, or within 10 feet of combustible construction.
- B. Exceptions:
 - 1. One- and two-family dwellings.
 - 2. Where buildings, balconies, decks or porches are protected by an approved automatic sprinkler system.
 - 3. Liquefied petroleum gas (LP gas) burners, used with a cooking device, designed for cooking, having an LP gas container with a water capacity of 2.5 pounds or less.

Severability.

This local law shall not supersede any other state or federal laws, rules or regulations that are more restrictive than the provision of this local law.

Penalties for offenses.

Conviction of any section of this Local Law shall be punishable by a fine of not less than \$200.00 and not more than \$1,000.00.