

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NEW YORK 12231
LOCAL LAW FILING

**TOWN OF STILLWATER
LOCAL LAW # 8 OF 2009**

**A LOCAL LAW AMENDING
LOCAL LAW #2-1998 REGARDING OPEN BURNING**

Be it enacted by the Town Board of the Town of Stillwater as follows:

Section 1. Purpose. Findings and purpose.

The open burning of materials poses a threat to the health, safety and welfare of the Town's residents. Such burning can cause air pollution and can be a health hazard as well as a nuisance to the general population. It is the purpose of this chapter to provide for health, safety and welfare by limiting open burning within the Town of Stillwater. This Local Law is intended to amend Chapter 74 of the Stillwater Town Code.

Section 2. Permit Required.

No person, partnership or corporation shall burn, allow to be burned, or permit to be burned, any brush, leaves, lumber, paper products, plastic, tires, chemicals, trash, garbage, refuse, wood or other related items in an open fire within the Town of Stillwater without having first obtained the proper permit for such burning.

Section 3. Exceptions.

Nothing in this chapter shall prevent the burning of outdoor grills or fireplaces for the purpose of preparing food. Nothing in this chapter shall prohibit camp fires as long as they are attended while burning, are contained in an area no more than four feet in diameter or nine square feet and are completely extinguished if unattended. Other exceptions to the permit requirement are listed in 6 NYCRR Part 215, as amended.

Section 4. Issuance of permit.

Permits may be issued by the Code Enforcement Officer or Deputy Code Enforcement Officer of the Town of Stillwater upon proper application. Such permits shall be issued before any open burning begins. It is the responsibility of the Town of Stillwater Building Department to notify the Fire Companies located in the Town of Stillwater that a burning permit has been issued.

Section 5. Copy of permit on site.

The person to whom the permit is issued must maintain a copy of the permit and have it available for review by any enforcement officer at any time.

Section 6. Permit limited to materials from same property.

A permit can be issued only for materials generated on the property to which the permit to burn is issued.

Section 7. Control of fire; notification.

Burning with a valid permit does not relieve the permit holder from the responsibility of attending or controlling the fire at all times, from notifying the Saratoga County Fire Dispatch Center prior to the commencement of burning and when burning has been completed, from extinguishing all embers upon completion of the burn.

Section 8. Revocation of permit; order to extinguish fire.

A permit may be revoked or a fire ordered extinguished by the Code Enforcement Officer or the Deputy Code Enforcement Officer at any time the Code Enforcement Officer or the Deputy Code Enforcement Officer deems it proper.

Section 9. Permits required by other agencies.

The issuance of a burn permit by the Town does not preclude any permits required by any other agency, including, but not limited to, those permits required pursuant to Environmental Conservation Law Section 9-1105.

Section 10. Entities exempt from local permit.

The Town and fire Companies located within the Town are exempt from Town permits for the burning of materials not included in Section 2 herein. They are not exempt by this chapter from any required New York State permits.

Section 11. Limitation on permitted time to burn.

Burning permits shall have a defined period for which they are valid and shall not be construed to be valid for an unlimited period of time.

Section 12. Enforcement.

The enforcement of this chapter shall be made by the Code Enforcement Officer, Deputy Code Enforcement Officers, members of the Stillwater Police Department, but shall not restrict enforcement which would be conducted by any other police officer of the State of New York.

Section 13. Penalties for Offenses.

Every person convicted of violating any provision of this chapter shall be guilty of a violation punishable as follows: by a fine of not more than \$250 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. The continuation of an offense against the provisions of this chapter shall constitute, for each day the offense is continued, a separate and distinct violation hereunder.

Section 14. Effective Date.

This Local Law shall take effect upon being filed in the office of the New York Secretary of State, but before then shall be immediately effective upon anyone personally served with a copy after its adoption by the Town of Stillwater Town Board.

I hereby certify that the local law designated as Local Law No. 8 of 2009 of the Town of Stillwater was duly adopted by the Town Board of the Town of Stillwater on December 17, 2009, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding Local Law No. 8 of 2009 with the original local law on the file in this office, and that the same is a correct transcript therefrom and of the whole of such original local law, and that such local law was finally adopted by the Town Board of the Town of Stillwater on December 17, 2009.

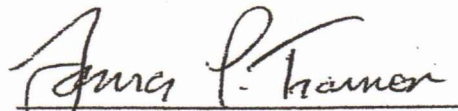

Sue Cunningham, Town Clerk

(Seal)

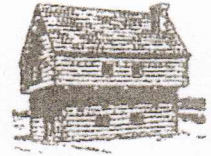
January 12, 2010

STATE OF NEW YORK
COUNTY OF SARATOGA

I, the undersigned, hereby certify that the foregoing Local Law No. 8 of 2009 contains the correct text and that all proper proceedings have been had or taken for the enactment of the Local Law annexed hereto.


James P. Trainor
Attorney for the Town of Stillwater
January 5, 2010

TOWN OF STILLWATER



ESTABLISHED 1788 -- SITE OF THE TURNING POINT OF THE AMERICAN REVOLUTION

BOX 700, STILLWATER, NY 12170 (518) 664-6148, FAX (518) 664-9537
BUILDING, PLANNING & DEVELOPMENT DEPARTMENT

APPLICATION FOR BURN PERMIT

| |
|---------------------------------|
| For Official Use Only |
| Date Application Received _____ |
| Application No. _____ |

IMPORTANT NOTICE

THIS FORM MUST BE RETURNED TO THE DEPT OF BUILDING, PLANNING & DEVELOPMENT NO LATER THAN 24 HOURS IN ADVANCE OF THE DATE OF BURN

Name: _____

Address: _____

Telephone: _____ Cell: _____

Location of Burn Site: _____

Dates of Burn: _____

Materials to be Burned: The only material allowed to be burned are tree limbs with attached leaves. The limbs must be less than six inches in diameter and eight feet in length (also referred to as Brush).

ANY OTHER MATERIAL OTHER THAN THE ABOVE IS ILLEGAL!

I hereby affirm under penalty of perjury that information provided on this form is true to the best of my knowledge and belief. False statements herein are punishable as a Class A Misdemeanor pursuant to Section 210.45 of the penal law.

Signature of Applicant: _____

Date: _____

| | |
|---|--|
| For Official Use Only | |
| Application: <input type="checkbox"/> Approved <input type="checkbox"/> Denied | By: _____ Building Inspector/Code Enforcement |
| | _____ Date |
| If denied, bases for denial: _____ | |
| _____ | |

GENERAL REQUIREMENTS

- 1) Saratoga County Fire Control shall be notified before starting and upon completion of all fires by calling 518-885-5522.**
- 2) The Approved Burn Permit must be in the possession of the applicant at the burn site during the duration of the burning.**
- 3) Only the on-site burning of tree limbs with attached leaves is allowed. The limbs must be less than six inches in diameter and eight feet in length (also referred to as brush). No other materials may be burned.**
- 4) Burning is prohibited during high winds.**
- 5) Burning will only be conducted between sunrise and sunset.**
- 6) The location for an open fire shall not be less than 50 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure.**
- 7) The open fire shall be constantly attended until the fire is fully extinguished.**
- 8) A minimum of one portable fire extinguisher complying with the Fire Code of New York State with a minimum 4-A rating or other approved on-site fire-extinguishing equipment such as dirt, sand, water barrel, garden hose or fire apparatus shall be available for immediate utilization.**
- 9) The applicant must allow access to the property of the burn site to the Town of Stillwater Code Enforcement Officer, Town of Stillwater Fire Marshal, Members of the Arvin Hart Fire Company or any Police Officer.**
- 10) The applicant must extinguish the fire upon request of the Town of Stillwater Code Enforcement Officer, Town of Stillwater Fire Marshal, Members of the Arvin Hart Fire Company or any Police Officer.**