

**VILLAGE OF GRANVILLE**  
**Outdoor and Open Burning Law**  
**Local Law No.: 1-2021**

**LOCAL LAW ESTABLISHING OUTDOOR AND OPEN BURNING RULES  
AND REGULATIONS OF THE VILLAGE OF GRANVILLE.**

**BE IN ENACTED** by the Village Board of the Village of Granville, State of New York, as follows:

**I. SHORT TITLE**

This Local Law shall be known and may be cited as the "Outdoor and Open Burning Law of The Village of Granville".

**II. LEGISLATIVE INTENT AND FINDINGS OF FACT**

**A. Background:**

The Village of Granville, Washington County, New York, is concerned about a sanitary and hazard free environment to be of vital importance to the health, welfare, and safety of the inhabitants of the Village of Granville as is the safeguarding of their material right against unwarranted invasion and the protection of the public health. In addition, such an enforcement is deemed essential to the maintenance and continued development of the economy of the Village of Granville and the general welfare of its citizens. Therefore, recognizing the above and the need of the community for an effective and well regulated procedure for open burning and outdoor burning at residential and business premisses whether improved or vacant, the Village Board of Trustees of the Village of Granville does hereby enact this Local Law to promote the health, safety, and general welfare of the inhabitants of the Village of Granville.

**B. Legislative Finding of Fact:**

The Village Board does hereby find that appropriate and salutary measures must be taken to protect the public interest by regulating the open burning and outdoor burning in the Village of Granville.

**C. Legislative Intent:**

Pursuant to authority duly vested in it, it is the intention of the Village Board to protect the public interest and to preserve its intended objectives and ensure implementation by hereby adopting reasonable property maintenance regulations of Village property in the Village of Granville, and thereby to protect the public interest and welfare.

**III.**

**GENERAL REQUIREMENTS:**

All residential and business premisses located within the Village of Granville, whether improved or vacant, shall not have open burning and outdoor burning in conformity with the provisions of this local law.

**IV**

**DEFINITIONS:**

**Business Unit:**

A building or combination of buildings and the lot on which the same is located, used wholly or in part for commercial purposes, including but not limited to offices, places of public assembly, shopping centers, restaurants, supermarkets, retail stores, warehouses, manufacturing or fabrication plants, gasoline stations and other business uses.

**Burning:**

Open burning, outdoor burning, fire(s), recreational fire(s), and special event fire(s).

**Local Ordnance Officer:**

The duly appointed Local Ordnance Officer of the Village of Granville or his appointee.

**Fire Chief:**

The Chief of the Village of Granville Fire Department or other person authorized by the Fire Chief.

**Garbage:**

Any refuse from animal and vegetable matter, waste food or parts thereof, refuse from kitchen, market, fish, bones, fat, and all offal and organic waste substance or substances capable of decay, including waste from slaughterhouses, rendering plants or sanitary disposal systems.

**Open Burning:**

Kindling or maintain a fire where the products of combustion are emitted directly into the ambient air without passing through a stack or a chimney.

**Outdoor Burning:**

Open burning or burning in a manufactured freestanding portable outdoor fireplace or manufactured fire pit.

**Outdoor Fireplace or Fire Pit:**

A commercially designed and manufactured freestanding portable outdoor fireplace or manufactured fire pit with screens, lids, and spark arrestors having openings of not more than 5/8 inch.

**Police Chief:**

The Chief of the Village of Granville Police Department or other person authorized by the Police Chief.

**Recreational Outdoor Fire:**

A small outdoor fire on residential or commercial property confined to a commercially designed and manufactured freestanding portable outdoor fireplace or manufactured fire pit and in accordance with the requirements of this local law.

**Owner:**

The person or persons having legal title to property and also the person or persons shown as the owner of the property on the current assessment rolls of the Village of Granville.

**Persons:**

One (1) or more persons of either sex, natural persons, corporations, partnerships, associations, joint stock companies, unincorporated associations, their agents or employees, society clubs and all other entities of any kind capable of being sued.

**Private Property or Private Premises:**

Any real estate or part thereof, yard or driveway, other than that used as a public place, road, street or highway, situated in the Village of Granville, but not including land used for agriculture purposes.

**Refuse and Rubbish:**

Plastics, combustible trash, including but not limited to paper, cartons, boxes, barrels, wood, excelsior, tree limbs and branches, yard trimmings, wood furniture and bedding. Also included is noncombustible trash, including but not limited to tires, metals, cans, plastics, metal furniture, small quantities of rock, brick and concrete, glass, metal fixtures, bottles and street rubbish, street sweepings, dirt, leaves, catch basin dirt and contents of litter

receptacles, ashes, dead animals, junked vehicles, solid market and industrial wastes, cardboard, crockery and similar materials.

**Resident:**

Any person having a domicile within general limits of the Village of Granville, including landlords and tenants. The term shall also include any person, firm, partnership, corporation or other association operating an established business within the limit of the Village of Granville.

**Residential Premises:**

A building or combination of buildings used solely for personal living purposes of the occupants thereof, whether as owners or tenants thereof and not used for any business purposes.

**Special Event Fire:**

A bonfire or an other open air fire kindled to mark a public even, victory celebration or similar occurrence that does not meet the criteria of a residential recreational fire.

**Waste Material:**

Includes, but not limited to waste produced by industrial or manufacturing process, including food processing waste, boiling house cinders, lumber scraps and shavings, slag, industrial sludge or other chemical waste and by-products, tires and oils and large amounts of wood, concrete, rocks, brick, sand and other wastes from building operations.

**Yard:**

An open space on the same lot which contains a building and is located between the building line and the lot line which the particular building line faces.

**V.**

**APPLICABILITY**

The provisions of this law shall supplement all local laws, ordinances, codes or regulations existing in the Village of Granville and other statutes and regulations of the municipal authorities having jurisdiction applicable thereto. Where a provision of this law is found to be in conflict with any provisions of any existing local law, ordinance or regulation, the provision or requirement which is more restrictive or which establishes the higher standard shall prevail.

**VI. GENERAL PROHIBITION ON OPEN BURNING, OUTDOOR BURNING AND REFUSE BURNING.**

- A. Open burning, outdoor burning and refuse burning are prohibited in the Village of Granville unless the burning is specifically permitted by this local law.

**VII. MATERIALS THAT MAY NOT BE BURNED**

- A. Rubbish or garbage including, but not limited to, food wastes, food wraps, packaging, animal carcasses, paint or painted materials, furniture, composite shingles, construction or demolition debris or other house hold or business wastes.
- B. Asphalt and products containing asphalt.
- C. Treated or painted wood including, but not limited to plywood, composite wood products or other wood products that are painted, varnished or treated with preservatives.
- D. Any plastic material including, but not limited to, nylon, PVC, ABS, polystyrene or urethane foam, and synthetic fabrics, plastic films and plastic containers.
- E. Rubber, including tires and synthetic rubber-like products.
- F. Newspaper, corrugated cardboard, container board, office paper and other materials that must be recycled.
- G. Clothing.
- F. Biohazard waste products.

**VIII. OPEN AND OUTDOOR BURNING OF LEAVES, BRUSH, CLEAN WOOD, AND OTHER VEGETATIVE DEBRIS**

- A. Open and outdoor burning of leaves, pine needles, weeds, brush, green wood, trees and other vegetative debris is prohibited.

**IX. RESTRICTED RESIDENTIAL RECREATIONAL OUTDOOR FIRES**

Residential recreational outdoor fires shall be allowed, provided that it is not contrary to any state law, rule or regulation, under the following regulations:

- A. In addition to the requirements of Articles VI, VII, and VIII above, the

burning of lumber, pallets, wooden shingles, scrap wood, brush, tree trimmings, leaves, yard waste, cardboard, paper, garbage, and other similar items is not permitted.

- B.** Burning shall be conducted in a safe nuisance-free manner, when wind and weather conditions are such as to minimize adverse effects and not create a health hazard or a visibility hazard on residential and commercial property and roadways. Burning shall be conducted in conformance with all local and state fire protection regulations.
- C.** The fire must be constantly attended and supervised by a competent adult of at least 18 years of age or older until the fire has been completely extinguished. Fires must be extinguished to the point of cold before being left unattended.
- D.** A means of extinguishing the fire (i.e. water hose, water in container of fire hose) must be readily available. Adequate fire protection shall be on site for extinguishing purposes at all time during the burning.
- E.** Fire must be contained in a commercially designed and manufactured freestanding portable outdoor fireplace or manufactured fire pit with screens, lids, and spark arrestors having openings of not more than 5/8 inch and constructed of noncombustible materials and put together and used in accordance to the manufacturer's instructions and shall not exceed three feet in diameter.
- F.** Fires contained in a freestanding outdoor fireplace or fire pit must be located a minimum of 25' feet away from any structure, building or combustible materials including, but not limited to, houses, garages, sheds, patios, fences, decks and wood piles.
- G.** Fires contained in a freestanding outdoor fireplace or fire pit must be located a minimum of 20' feet of any property line.
- H.** The area in which he commercially designed and manufactured freestanding portable fireplace or manufactured fire pit to be used is located shall have a surface area of gravel, cinders, cement or similar incombustible material.
- I.** The fire shall not be more than 2' feet by 2' feet by 2' feet in dimension and shall not burn longer than 3 hours.
- J.** Fires shall only be conducte between the hours of 6:00 p.m. and 11:00 p.m.
- K.** Fuel for the fires shall consist only of natural, seasoned, and dry firewood and shall be ignited with a small quantity of paper. Trash, rubbish, garbage,

treated wood, furniture, scrap building materials, leaves and other similar combustible materials shall not be burned.

- L. Fires shall not be ignited with oil, gas, petroleum products or any other flammable or combustible liquid accelerate.
- M. The fire shall not be used for waste disposal purposes.
- N. Consent of the property owner is required for all residential outdoor open burning.
- O. Fires are not permitted on windy days when the smoke may create a nuisance for near by neighbors.
- S. Fires are not allowed when the Fire Chief or his/her designee has duly posted a fire prohibition.
- T. The Fire Chief or his/her designee is authorized, in his/her sole discretion, to order that a fire be immediately extinguished under the following circumstances:
  - 1. The fire is left unattended.
  - 2. The fire is in the care and control of a person under the age of 18 years of age.
  - 3. The fire is being used in a hazardous condition or constitutes a hazardous condition.
  - 4. No method of fire extinguishment is at hand.
  - 5. Persons in control of the fire are, in the opinion of the Fire Chief or his/her designee, are incapable of controlling the fire.
  - 6. The fire poses a nuisance to surrounding residences and commercial property.
  - 7. The fire generates embers that pose a property hazard to property or generates smoke or odors that unreasonable interfere with the use or enjoyment of neighboring property owners.
  - 8. The fire, in the opinion of the Fire Chief or his/her designee, is offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstance make such fire a hazardous condition or adds to a hazardous or objectionable situation.

9. The fire is not in compliance with any other section of this local law.

**X. Special Event Fires**

Special event fires shall be allowed, provided that it is not contrary to any state law, rule or regulation, under the following regulations:

- A. No person shall kindle or maintain any special event fire without a permit and approval and authorization must be obtained from the Fire Chief or his/her designee.
- B. Permitted special event fires shall be located not less than 50' feet from any structure.
- C. The allowable quantity to be burned shall be determined by the Fire Chief or his/her designee based upon the fire safety considerations of the situation and the desired duration of the burn.
- D. The duration of the special event fire shall be approved and authorized by the Fire Chief or his/her designee.
- E. Material that can be burned shall be in accordance with this local law.
- F. A competent adult of at least 18 years of age or older shall be designated for the safety of the special event fire area. This person must be identified as the contact person to meet with the Fire Department for any issue pertaining to the special event fire.
- G. The base of the fire shall not be larger than 10' feet in diameter. The fire must be enclosed by a barrier set at a distance sufficient enough to provide maximum safety and be constantly monitored by the person responsible for the scene security.
- H. The Fire Chief or his/her designee has the authority to impose any other restriction and/or safety precaution pertaining too the special event fire and such shall be complied with at all times.
- I. An adequate fire suppression source must be immediately available sufficient to extinguish the fire if it threatens the safety of the event.
- J. After completion of the event and/or celebration, the fire must be completely extinguished and a fire watch must be provided for a sufficient amount of time to ensure that the fire does not rekindle.
- K. The Fire Chief or his/her designee is authorized in his/her discretion to order

that a special event fire be immediately extinguished in accordance with this local law.

**XI. Burn barrels**

- A. No person shall use or maintain a burn barrel in the Village of Granville.

**XII. Liability**

- A. A person utilizing or maintaining an outdoor fire shall be responsible for all fire suppression costs and any other liability resulting from damage caused by the fire.

**XIII. Right of Entry and Inspection**

- A. In any situation where an outdoor fire utilized or maintained by a person poses an imminent danger to the public health, safety and welfare, the Local Ordnance Officer, Police Officer, and Fire Department personnel may enter onto the property and inspect any property for the purpose of ascertaining compliance with the provisions of this local law.

**XIV. Enforcement**

- A. The Fire Chief, Police Chief, Local Ordnance Officer and his/her designees are authorized to enforce this local law.
- B. The Fire Chief, Police Chief, Local Ordnance Officer and his/her designees are authorized to issue appearance thicketts for a violation of this local law as provided in Article 150 § 150.10 of the Penal Law of the State of New York.

**XV. Penalties for Offenses**

First Offence:	Minimum \$100.00 fine or up to 20 days in jail
	Maximum \$500.00 fine and/or 20 days in jail
Second Offence:	Minimum \$200.00 fine or up to 60 days in jail
	Maximum \$1,000.00 fine and/or 60 days in jail
Third Offence:	Minimum \$500.00 fine or up to 90 days in jail
	Maximum \$2,000.00 fine and/or 90 days in jail

**XVI**

**VALIDITY**

The invalidity of any work, section, clause, paragraph, sentence, part or provision of this Local Law shall not effect the validity of any other part of this Local Law which can be given effect without such invalid part or parts.

**XVII**

**EFFECT ON OTHER LAWS**

All ordinances and laws or parts of ordinances and laws in conflict with the provisions of this Local Law are hereby superseded to the extent necessary to give this Local Law full force and effect during the effective period.

**XVIII**

**HOME RULE**

This Local Law is adopted pursuant to the authority granted to the Village as set forth in Section 10 of the Municipal Home Rule Law and Statutes of Local Government.

**XIX**

**EFFECTIVE DATE**

This local law shall take effect immediately upon the filing of this local law with the New York Secretary of State.

**Be it Enacted**, this \_\_\_\_ day of September, 2021 by the Village Board of Trustees of the Village of Granville, Washington County, New York.

\_\_\_\_\_  
Paul Labas, Mayor

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Gordon Smith, Trustee

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Dan Brown, Trustee

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Dean Hyatt, Trustee

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Lisa Ackert, Trustee