

OPEN BURNING

§ 239-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

GARBAGE -- Includes 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. Open fires include burning in barrels or modified barrels. Open fires do not include burning in outdoor furnaces or boilers that are used to heat buildings when the devices are actually used for such purpose and installed and used pursuant to § 525-106 of this Chapter.

PERSON -- Includes an individual, society, club, firm, partnership, corporation or association of persons, and the singular shall include the plural.

RUBBISH -- Includes solid or liquid waste material, including but not limited to rags, trees or leaves, needles, and branches there from, vines, lawn and garden debris, furniture, cans, crockery, plastics, chemicals, paint, grease, sludges, oils and other petroleum products, wood, sawdust, demolition materials, tires, and automobiles and other vehicle parts for junk, salvage or disposal. Rubbish shall not include garbage, incinerator residue, street sweepings, dead animals or offal.

CAMP FIRE – A camp fire or any other outdoor open fire less than three feet in height, and less than four feet in length and width or diameter (4' x 4'), using only untreated wood or charcoal as fuel.

§ 239-2. Prohibited acts. CANNOT BURN PAPERS

A. No persons shall burn, cause, suffer, allow or permit the burning of rubbish or any other materials as herein defined in an open fire in the Town of Southport, County of Chemung, New York, **except**:

- (1) The use of barbecue grills and similar outdoor cooking devices, when fired by natural gas, liquid petroleum gas, or charcoal, when actually used for cooking or processing food.
- (2) Small fires that are used to dispose of a flag or religious item, and small fires or other smoke producing process where not otherwise prohibited by law that are used in connection with a religious ceremony.
- (3) Burning on an emergency basis of explosive or other dangerous or contraband materials by police or other public safety organization.
- (4) Open fires authorized by Sections 239-2(B) and 239-2(C)
- (5) A **camp fire** as defined by § 239-1, which is under adult supervision at all times until extinguished, and is **placed at least 20 feet from all structures and all real property boundary lines.**

B. Ceremonial or celebratory bonfires where not otherwise prohibited by law are allowed, provided that:

- (1) A permit application, which describes the location and nature of the fire, and describes the life and property safety measures that will be used, is filed with the Code Enforcement Officer not less than 14 calendar days prior to the proposed fire, and that
- (2) A permit is issued by the Code Enforcement Officer prior to or on the date of the fire, and that
- (3) Only untreated wood or other agricultural products are used as fuel and the fire is not left unattended until extinguished.

C. The owner or occupant of any real property located in those areas of the Town of Southport zoned **agricultural (AR)** by Chapter 525, Zoning, of the Code of the Town of Southport shall be allowed to burn the following in an open fire where not otherwise restricted by law: **CANNOT BURN PAPERS**

- (1) On-site burning of agricultural wastes as part of a valid agricultural operation on contiguous agricultural lands larger than five acres actively devoted to agricultural or horticultural use, provided such waste is actually grown or generated on those lands and such waste is capable of being fully burned within a 24-hour period.
- (2) The use of liquid petroleum fueled smudge pots to prevent frost damage to crops.
- (3) On-site burning of **downed limbs and branches (including branches with attached leaves or needles) less than six inches in diameter and eight feet in length between May 15th and the following March 15th.**
- (4) Fire training, including firefighting, fire rescue, and fire/arson investigation training, performed under applicable rules and guidelines of the New York State Department of State's Office of Fire Prevention and Control. For fire training performed on acquired structures, the structures must be emptied and stripped of any material that is toxic, hazardous or likely to emit toxic smoke (such as asbestos, asphalt shingles and vinyl siding or other vinyl products) prior to burning and must be at least 300 feet from other occupied structures. No more than one structure per lot or within a 300 foot radius (whichever is bigger) may be burned in a training exercise.
- (5) Maple sugar arches and similar outdoor food processing devices when actually used for processing food.

§ 239-3. Emissions.

No person shall cause or allow emissions from any allowed outdoor open fire of smoke or air contaminates of such quantity, characteristic or duration which are injurious to human life or which unreasonably interfere with the comfortable enjoyment of life.