

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one:)

of Plattsburgh

Local Law No. 1 of the year 2017

A local law renaming Chapter 176 of the City Code of Plattsburgh to read as: "Regulating Open Fires,
(Insert Title)
Bonfires and Small Recreational Fires."

Also amending Chapter 176, Sections 1, 2, 4 and 5 of the City Code of the City of
Plattsburgh.

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of Plattsburgh as follows:

City code § 176 of the City Code of Plattsburgh shall be re-named: "Regulating Open Fires, Bonfires and Small Recreational Fires."

City code § 176-1 is amended by the inclusion of subsection "D" to read as follows:

D. Small Recreational Fires means: Outside burning of wood, which woodpile can be no larger than 3 feet in diameter and 3 feet in height, for legitimate cooking, warmth, recreational or ceremonial purposes contained in some type of controlled area or enclosure.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

City code § 176-2 is amended and restated in its entirety to read as follows:

§ 176-2 Open Fires Prohibited, Generally; Regulation of Small Recreational Fires.

- A. Open fires are prohibited, except that a bonfire, or open fire for the clearing of land is permitted if a permit for the same is obtained as herein provided.
- B. Small Recreational Fires must be contained in a stone surround, fire pit, brick barbecue, metal fire stand, or clay chiminea and must have a functioning spark arrestor to prevent sparks or ashes from arising from the fire.
- C. Small Recreational Fires must be a minimum of 25 feet from any structure or combustible material.
- D. If the City Police Department, City Fire Department, Code Enforcement Officer, or any other peace officer receives a complaint from a neighbor that the smoke from the open fire, bonfire or small recreational fire has become offensive, objectionable or a nuisance, the responding City Official shall attempt to find a solution to mitigate the offensive smoke or fire. If the attempted solution does not reasonably resolve the issue, the fire must be extinguished.

City Code § 176-4 is amended and restated in its entirety to read as follows:

All open fires, bonfires and small recreational fires shall be under the constant supervision of an adult who is physically capable of extinguishing the fire and equipped with appropriate fire extinguishing equipment. All open fires, bonfires and small recreational fires shall be constantly supervised until completely extinguished.

City Code § 176-5 is amended and restated in its entirety to read as follows:

Any City permit may be cancelled without notice, and any open fire, bonfire or small recreational fire extinguished, if the Fire Chief believes that permit conditions or this Chapter have been violated, or they determine that weather conditions pose an unacceptable risk of danger to persons or property.

This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. ¹ _____ of 20 17 of the ~~(County)(City)(Town)(Village)~~ of Plattsburgh was duly passed by the Common Council on June 8 20 17, and was (approved)(~~not approved~~) (repassed after disapproval) by the Mayor and was deemed duly adopted on June 8 20 17, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

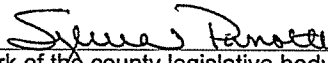
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 6/9/2017

(Seal)