

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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~~

of Duanesburg

Local Law No. 2 of the year 1994

A local law ~~A Local Law Providing for the Control of Open Burning~~

(Insert Title)

Be it enacted by the TOWN BOARD of the

(Name of Legislative Body)

~~County~~

~~City~~

Town

~~Village~~

of DUANESBURG as follows:

- SECTION 1. Short Title. This law shall be known as the "Open Burning Law"
- SECTION 2. Application. This law shall apply to the territory within the corporate limit of the Town of Duanesburg.
- SECTION 3. Definitions.
1. "Person". Includes an individual, society, club, firm, partnership, corporation or association of persons.
- SECTION 4. It shall be unlawful for any person to
- (a) start any uncontained grass fire, bonfire, or brush fire in the Town of Duanesburg between April 1st and and May 31, unless Fire department apparatus are on the site by prior arrangement.
 - (b) burn any refuse in the Town of Duanesburg unless the fire is contained within an appropriate burning facility and covered at all times by a wire mesh with holes no larger than $\frac{1}{2}$ inches square.
 - (c) burn refuse without the attendance of one or more persons over the age of 16 years until fire is completely extinguished.

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

(d) leave a fire or burn site without first fully extinguishing said fire.

- SECTION 5. All burning shall be controlled so smoke and fumes do not interfere with the quality of life of neighbors.
- SECTION 6. Violations. Any violations of this law, except as hereinafter provided, is hereby declared to be an offense and shall be punishable by a fine of not less than (twenty-five) \$25.00 nor more than (two-hundred fifty) \$250.00 or by imprisonment for a term not to exceed (thirty) 30 days or by both such fine and imprisonment.
- SECTION 7. Interpretation. The provisions of this law shall be deemed minimal requirements for promotion of the public safety. Wherever the requirements of this law vary with the requirements of any other lawfully adopted rule, ordinance, regulation or resolution, the most restrictive, or those requiring imposing the higher standards, shall govern.
- SECTION 8. Validity. If any section, paragraph, clause, phrase or other provision of this law shall be adjudged invalid or held unconstitutional, the same shall not affect the validity of this law as a whole or any part or provision thereof other than the part so declared to be invalid or unconstitutional.
- SECTION 9. Effective date. This law shall take effect immediately upon filing with the Secretary of State of New York.
- SECTION 10. This law shall not apply to burning done on land actively used for agricultural purposes.

(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. 2 of 1994 of the (County)(City)(Town)(Village) of Duanesburg was duly passed by the Town Board on April 28 1994; 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. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____, 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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. 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 _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, 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 19____ 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 _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 _____, above.

Gerald M. Lessor

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

(Seal)

Date: May 3, 1994

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Schenectady

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Gerald A. Dwyer
Signature Gerald A. Dwyer, Town Attorney

Title _____

County _____
City of Duanesburg
Town _____
Village _____

Date: MAY 5, 1994