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**IN THE MATTER Of**

**Local Law 2021-4 repealing and replacing the  
Chapter 78 of the Town Code of the Town of  
Salina named the Bonfire Control Code**

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**RESOLUTION ENACTING  
LOCAL LAW**

The **TOWN BOARD OF THE TOWN OF SALINA**, in the County of Onondaga, State of New York, met in regular session at the Town Hall in the Town of Salina, located at 201 School Road in the Liverpool, County of Onondaga, State of New York, on the 26<sup>th</sup> day of April 2021, at 6:30 p.m.

The meeting was called to order by Colleen A. Gunnip, Supervisor, and the following were present, namely:

Colleen A. Gunnip	Supervisor
Nicholas Paro	1 <sup>st</sup> Ward Councilor
V. James Magnarelli	2 <sup>nd</sup> Ward Councilor
Daniel Ciciarelli	3 <sup>rd</sup> Ward Councilor
David M. Carnie	4 <sup>th</sup> Ward Councilor

The following resolution was moved, seconded and adopted:

**WHEREAS**, the Town Board has been petitioned by residents of the Town of Salina to allow small scale recreational burning in the Town, which is now prohibited by Chapter 78 of the Town Code; and

**WHEREAS**, the Town Board is considering this petition by Town residents and desires to hold a public hearing to hear from those who are favor of allowing small scale recreational burning and those opposed to such recreational burning;

**WHEREAS**, the Town Board desires to promote the peace, quiet, comfort, repose, welfare or good order of the people of the Town of Salina, by repealing and Bonfire Ordinance of the Town and replace it with a Local Law, as set forth below:

**LOCAL LAW 2021-4, A LOCAL LAW AMENDING THE  
BONFIRE ORDINANCE OF THE TOWN OF SALINA:**

**Be it enacted by the Town Board of the Town of Salina, Onondaga County, New York as follows:**

Section 1. The language set forth in Sections 78-1, 78-2, 78-3, 78-4, and 78-5, of the Town of Salina Code be deleted in its entirety and replaced with the following:

§ 78-1 **Purpose.**

§ 78-2 **Definitions; word usage.**

§ 78-3 **Prohibited burning.**

§ 78-4 **Recreational fires.**

§ 78-5 **Penalties for offenses.**

§ 78-1 **Purpose.**

**A.** The purpose of this chapter shall be to protect and promote the health, safety and welfare of the people of the Town of Salina by prohibiting the burning of garbage, rubbish and refuse and regulating open burning and recreational fires.

**B.** It is recognized that occasional recreational fires, as allowed herein, are acceptable in the Town of Salina using clean firewood.

§ 78-2 **Definitions; word usage.**

For the purposes of this chapter, the following words, phrases and terms and their derivations shall have the meanings given herein. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular, words

used in the singular include the plural and words used in the masculine include the feminine. The word "shall" is always mandatory and not merely directory.

### **APPROVED CONTAINER**

A properly maintained and utilized barbeque grill, barbeque pit or outdoor fireplace that utilizes a spark-arresting screen and a lid or wherein products of combustion pass through a stack or chimney from an enclosed chamber.

### **FIREWOOD**

Clean, seasoned wood.

### **GARBAGE**

Putrescent animal and vegetable waste resulting from the handling, preparation, cooking and consumption of food; wastepaper products or household trash shall also be considered "garbage."

### **OPEN BURNING**

The burning of materials outside of an approved container wherein products of combustion are emitted directly into the ambient air without passing through a stack, chimney or spark-arresting screen from an enclosed chamber. Open burning does not include road flares, smudge pots and similar devices associated with safety or occupational uses typically considered open flames.

### **RECREATIONAL FIRE**

An outdoor fire burning materials other than garbage, rubbish and refuse where the fuel being burned is inside an approved container and excluding the burning of materials for the sake of disposal.

### **REFUSE**

Nonputrescent and putrescent solid waste, including garbage, rubbish, ashes, incinerator residue, street cleanings, dead animals, abandoned automobiles and any parts thereof, agricultural waste, excluding usable agricultural equipment, commercial waste, industrial

waste and construction and demolition debris, including commercial and industrial equipment having no value other than scrap metal, pressure-treated or painted wood.

## TOWN

Town of Salina

### § 78-3 **Prohibited burning.**

- A. No garbage, rubbish or refuse shall be burned in an open fire or in an Approved Container, metal basket, can or drum in any part of the Town.
- B. When atmospheric conditions or local circumstances make such fire hazardous, outdoor burning shall be prohibited.
- C. Open burning.
- D. Any fire outside the constraints of an approved container.
- E. Any fire that will be or is offensive or objectionable because of smoke or odor emissions.

### § 78-4 **Recreational fires.**

- A. General. A person shall not kindle or maintain or authorize to be kindled or maintained any recreational fires unless conducted and approved in accordance with this section.
- B. Location. The location for recreational fires shall not be less than 15 feet from any structure and provisions shall be made to prevent the fire from spreading to within 50 feet of any structure. The Town Code Enforcement Officer may increase the required distance from structures as warranted.
- C. Attendance. Recreational fires shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher with a minimum 4-A rating or other approved on-site fire extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.
- D. Approved Container. Only firewood or charcoal can be used for recreational fire(s) in an Approved Container and pursuant to the size and intensity allowed under New York State Department of Environmental Conservation regulations.

**§ 78-5 Penalties for offenses.**

Any person violating any of the provisions of this chapter shall be punished, upon conviction, by a fine not exceeding \$500. Each day of continued violation of this chapter, after written notice thereof, shall constitute a separate additional violation. In addition, the Town may also institute an action or proceeding, including an injunction, to compel compliance with or prevent violation of this chapter.

Section 2. This Local Law shall take effect upon the filing thereof with the Secretary of State of the State of New York.

**NOW, THEREFORE, BE IT**

**NOW, THEREFORE, BE IT**

**WHEREAS**, the Town Board held several public hearings on Local Law 2021-4, the latest being April 26, 2021, where the public was given the opportunity to express its opinion about whether recreational fires should be allowed in the Town:

**WHEREAS**, the Town Board members received numerous phone calls and correspondence regarding Local Law 2021-4, the majority of which were in favor of allowing recreational burning under the terms, conditions and restrictions set forth in the Local Law;

**WHEREAS**, the Town Board has considered the environmental impacts of Local Law 2021-4 and has determined that it will not have a significant environmental impact because: (i) the restrictions and objectives (burning clear material, required distances from structures, authority of code enforcement to prohibit recreational burning if the ambient smoke cannot be controlled) in Local Law 2021-4 will mitigate concerns related to ambient smoke and its impact on neighbors; (ii) the number of recreational fires is insignificant considering the seasonal aspects of Central New York's climate; (iii) New York State DEC guidelines that will be overlaid upon the Local Law 2021-4;

**NOW, THEREFORE, BE IT**

**RESOLVES**, that Local Law 2021-4 is hereby adopted as set forth in this Resolution and for the reasons stated herein; and be it

**FURTHER RESOLVED**, that the Clerk of the Town of Salina is hereby directed to file Local Law 2021-4 within 20 days of its adoption by the Town Board.

**I, JEANNIE VENTRE**, Town Clerk of the Town of Salina, **DO HEREBY CERTIFY** that the preceding Resolution was duly adopted by the Town Board of the Town of Salina at a regular meeting of the Board duly called and held on the 26<sup>th</sup> day of April 2021; that said Resolution was entered in the minutes of said meeting; that I have compared the foregoing copy with the original thereof now on file in my office; and that the same is a true and correct transcript of said Resolution and of the whole thereof.

**I HEREBY CERTIFY** that all members of said Board had due notice of said meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and affixed the seal of the Town of Salina, this 27<sup>th</sup> day of April, 2021.

DATED: April 27, 2021, 2021  
Liverpool, New York

**Jeannie Ventre**  
**Town Clerk of the Town of Salina**  
**Onondaga County, New York**