

LOCAL LAW NO. 5 OF 2016

A LOCAL LAW ENTITLED
AN OPEN FIRES LAW

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE
OF SHOREHAM, AS FOLLOWS:

SECTION 1. PURPOSE.

The purpose of this local law is to modify Village
Local Law No. 2 of 2012.

SECTION 2. ENACTMENT.

A Chapter [__] of the Village Code entitled Open Fires
is enacted, as follows:

§ [__]-1. Legislative Intent.

The purpose of this Chapter [__], entitled an Open Fires
Law, is to prevent personal injury, and damage to personal
property, real property and vegetation located in the Village,
resulting from fire, and to protect the health, safety and
welfare of the Village.

§ [__]-2. Definitions.

Each of the following defined terms shall have the meaning
indicated:

- (1) **beach** – that land located between the shoreline and
that line running along the toe of the bluff.
- (2) **bluff** – that land located in the Village, comprising
the cliffs running along the north side thereof, located between
that line running along the bottom of said cliffs and that line
running along the top of said cliffs twenty-five (25) feet
landward of the crest thereof.
- (3) **bonfire** – an uncontained recreational, outdoor fire on
the ground having a height no greater than ten (10) feet, and
length and width no greater than eight (8) feet each.

(4) **campfire** – an uncontained recreational, outdoor fire on the ground having a height no greater than three (3) feet, and length and width no greater than four (4) feet each.

(5) **contained fire** – a recreational, outdoor fire in any safe, and fully or partially enclosed, vessel, including any barbeque grill, masonry structure or portable fireplace designed for such purpose, or other such vessel.

(6) **open burning** – any non-recreational, outdoor fire or smoke producing process from which air contaminants are emitted directly into the outdoor atmosphere.

(7) **open fire** – a recreational, outdoor fire, including any bonfire, campfire or contained fire.

(8) **plot** – a parcel of land located in the Village.

(9) **shoreline** – that line where the waters of Long Island Sound meet land located in the Village, as such line changes with the tide.

(10) **toe of the bluff** – any point running along the bottom of the bluff, any wall retaining the bluff, or the Village Boat Ramp.

(11) **Village Beach** – that part of the beach owned by the Village.

(12) **Village Grill** – any permanently installed grill located on the Village Beach.

§ [__]-3. **Open Burning.**

No open burning shall be permitted in the Village.

§ [__]-4. **Open Fires.**

A. Permitted Open Fires. No person shall be permitted to have an open fire or otherwise burn anything outdoors in the Village, except as expressly permitted and conditioned under the following provisions of this § [__]-4.

B. Open Fires on Plots. Any Village resident shall be permitted to have:

(1) Contained fires on such resident's plot, except for any part of such plot located on the bluff, or on any structure located on the bluff.

(2) At any one (1) time, one (1) campfire on any part of such resident's plot located on the beach, but only between noon and eleven (11) PM and only during the months of May through October.

C. Use of Village Grills. Any Village resident shall be permitted to have a contained fire in any Village Grill, but only between noon and eleven (11) PM and only during the months of May through October.

D. Open Fires on Village Beach. Any Village resident shall be permitted to have a bonfire or campfire on the Village Beach, or a contained fire on the Village Beach using a vessel other than any Village Grill, provided a permit therefor is issued under § [__]-5 of this Chapter [__], with the understanding that as solely related to any such fire on the Village Beach:

(1) Only those areas as designated by the Village Board from time-to-time shall be permitted to be used for such fires.

(2) Such fires shall only be permitted between noon and eleven (11) PM and only during the months of May through October.

(3) Only one (1) such fire shall be permitted on a given day.

(4) Bonfires shall be located as close to the shoreline as possible given the expected changing of the tide during the planned duration of any such fire.

(5) No Village resident shall be permitted to have more than two (2) such fires in a given month.

(6) No application for such permit shall be considered at any time during a period of particularly dry weather.

E. Tending Open Fires. Any open fire permitted under this § [__]-4, whether requiring a permit issued under § [__]-5A of this Chapter [__] or otherwise, shall be:

(1) Continuously and safely tended by at least one (1) responsible individual at least eighteen (18) years of age if such fire is in the form of a campfire or contained fire, or continuously and safely tended by at least two (2) such individuals if such fire is in the form of a bonfire, with the understanding that as an automatic condition to the issuance of any permit for a bonfire, those individuals in charge of same shall have access to a supply of water through a hose located within twenty (20) feet of any such fire.

(2) Fully extinguished following completion of the use thereof, or as directed by the Village Beach Commissioner or any Village Code Enforcement Officer, fully extinguished upon receipt by said commissioner or any such officer of any complaint that any such fire is creating a smoke or fire hazard

or is being tended by persons conducting themselves in a disorderly manner, and same is confirmed by said commissioner or any such officer.

F. Certain Restrictions. No open fire shall:

(1) Be located within ten (10) yards of any flammable structure, or any vegetation.

(2) Involve the burning of construction debris, beach or bluff vegetation, household or yard waste, treated lumber, or any other material not permitted to be burned under 6 NYCRR 215, or other such material.

(3) Be permitted, whether a permit has been issued therefor under § [__]-5 or otherwise, if in the determination of the Village Beach Commissioner or any Village Code Enforcement Officer weather conditions are such that any such fire would cause a smoke or fire hazard.

§ [__]-5. Permits for Village Beach Open Fires.

A. Application Process for Open Fires on Village Beach. Any Village resident seeking a permit to have an open fire on the Village Beach, as permitted under § []-4, shall obtain an application for same from the Village Clerk and file such application with the Village Clerk for transmittal to the Village Beach Commissioner. Upon receipt of any such application, said commissioner shall make a determination thereon based on the requirements set forth in § []-4, by issuing the requested permit, subject to conditions or otherwise, or disapproving the application in writing for stated reasons, and said commissioner shall send a copy of such permit or disapproval to the Village Clerk for distribution to the Village resident making such application and Village Code Enforcement Officers. Any application made under this § []-5 shall be submitted at least forty-eight (48) hours prior to the date of the scheduled event and shall be processed without fee.

B. Additional Permit Conditions and Rescission. The Village Beach Commissioner or Village Board may modify any requirements or conditions related to any permit issued under § [__]-5A of this Chapter [__], or rescind any such permit, if in the determination of said commissioner or board weather conditions are such that any open fire would cause a smoke or fire hazard, or if the period immediately preceding the date scheduled for any such open fire is marked by particularly dry weather.

§ [__]-6. Penalties.

A. Schedule of Fines. In addition to any charge imposed to cover the cost of any impounding or booting, any person in violation of this Chapter [__] shall be subject to a minimum fine of fifty (50) dollars but not to exceed three hundred and fifty (350) dollars for the first offense, a minimum fine of one hundred fifty (150) dollars but not to exceed seven hundred and fifty (750) dollars for a second offense, and a minimum fine of three hundred (300) dollars but not to exceed one thousand (1,000) dollars for a third offense..

B. Schedule of Additional Fines. All fines on all penalties authorized in this Chapter [__] shall increase, as follows:

(1) At thirty (30) days from issuance, minimum fine shall be doubled.

(2) At sixty (60) days from issuance, minimum fine shall be tripled from original amount.

(3) At ninety (90) days from issuance, twenty (20) dollars shall be added to the maximum fine.

Any person in violation of this Chapter [__] shall be subject to a fine not to exceed three hundred and fifty (350) dollars for the first offense, seven hundred and fifty (750) dollars for a second offense, and one thousand (1,000) dollars for a third offense.

§ [__]-7. Severability.

If any provision of this Chapter [__] is ruled unconstitutional or invalid, said ruling shall not affect the validity of other provisions of said chapter or said chapter as a whole.

SECTION 3. EFFECTIVE DATE.

This local law shall take effect immediately upon filing with the Secretary of State as provided by law.

SECTION 4. REPLACEMENT OF EXISTING LOCAL LAWS.

This local law upon its effective date shall in all respects repeal and supersede Village Local Law No. 2 of 2012,

and any similar local law heretofore adopted by the Board of Trustees, each of which is hereby repealed.

Dated: March 8, 2016

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF SHOREHAM

BY: Cathy Donahue-Spier,
Village Clerk