

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, 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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
AUG 19 2003  
MISCELLANEOUS  
& STATE RECORDS

~~County~~  
~~City~~ of Chateaugay  
~~Town~~  
Village

Local Law No. 1 of the year 2003

A local law prohibiting open burning in the Village of Chateaugay  
(Insert Title)

Be it enacted by the Board of Trustees of the  
(Name of Legislative Body)

~~County~~  
~~City~~ of Chateaugay as follows:  
~~Town~~  
Village

SEE ATTACHED SHEET

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

## A LOCAL LAW PROHIBITING OPEN BURNING IN THE VILLAGE OF CHATEAUGAY

The Village Board of Trustees of the Village of Chateaugay hereby finds that the open burning of brush, wood, lumber, paper products, plastic, tires, garbage, refuse and other related items causes air pollution, is a fire hazard and is otherwise injurious to the public safety, health and welfare of the residents of the Village.

It is the purpose and intent of this Local Law to control the open burning of certain materials within the limits of the Village of Chateaugay and, in some instances, to prohibit opening burning completely.

**Burning of certain items prohibited.** Except as permitted below or by state law or regulations, no person shall burn, allow or permit to be burned any brush, wood, lumber, paper products, plastic, tires, chemicals, trash, garbage, refuse or other related items within the limits of the Village of Chateaugay.

**Exceptions.** Nothing contained herein, however, shall prevent the operation of outdoor grills or fireplaces for the preparation of food or the installation and use of indoor fireplaces and wood stoves. The fuel for the aforementioned devices shall be that material typically used in the device, such as charcoal, charcoal briquettes and wood in its natural state or wood pellets. All installations of fireplaces and stoves shall be in conformance with the New York State Fire Prevention and Building Code.

**Burning by Public Agencies and Fire Department.** Upon written application to the Village Fire and Code Enforcement Officer and the Village Board of Trustees, the Village Board may grant a permit to a public agency or fire department to burn structures, lumber or other items, provided that all permits required are obtained and complied with.

**Enforcement Officer.** The provisions of this chapter shall be administered and enforced by the Village of Chateaugay Fire and Code Enforcement Officer.

**Penalties for Offenses.** Every person convicted of violation of the provisions of this local law shall be guilty of a violation punishable by a fine of not more than \$250.00 or by imprisonment for not more than 15 days, or by both such fine and imprisonment. The continuation of a violation of the provisions of this local law shall constitute, for each day the violation is continued, a separate and distinct violation hereunder.

**Severability:** If any clause, sentence, paragraph or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law and shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment shall be rendered.

This local law shall take effect immediately upon filing with the New York State 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. 1 of 2003 of the ~~(County)(City)(Town)(Village)~~ Village) of Chateaugay was duly passed by the Village Board of Trustees on 8-4 2003, in accordance with the applicable provisions of law. (Name of Legislative Body)

~~XX Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\* XX~~

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 (Name of Legislative Body) on 20, and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) and was deemed duly adopted on 20, in accordance with the applicable provisions of law.

~~XX Local adoption by referendum XX~~

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 (Name of Legislative Body) on 20, and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) on 20. 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.

~~XX Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum XX~~

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 (Name of Legislative Body) on 20, and was (approved)(not approved)(repassed after disapproval) by the (Elective Chief Executive Officer\*) 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.

\* 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.

~~XXXXXX LOCAL LAW CONCERNING ADOPTION OF CHARTER XXXX~~

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 \_\_\_\_\_ 1\_\_\_\_\_, above.

*M Carol Roach*

\_\_\_\_\_  
or Village Clerk, M. Carol Roach  
or officer designated by local legislative body

(Seal)

Date: 8-5-03

(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 Franklin

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.

*Brian S Stewart*  
Signature

BRIAN S. STEWART

*att for Town*  
Title

~~County~~  
City of Chateaugay  
~~Town~~  
Village

Date: 8/13/03