

## **A LOCAL LAW REGULATING OUTDOOR FIRES**

### **Local Law #2 of 2016**

Be it enacted by the Board of Trustees of the Village of Wellsville as follows:

#### **SECTION ONE**

No person shall kindle or maintain an open or ground fire within the boundaries of the Village of Wellsville except in a container as defined herein.

No person shall kindle an open or ground fire within 15 feet of any structure or leave any such fire unattended.

No person shall maintain an open or ground fire if the prevailing wind exceeds a velocity of ten (10) miles per hour.

No person shall maintain an open or ground fire if environmental conditions are not favorable for an outdoor fire as determined by the Wellsville Police Department or Fire Department or the New York State Department of Environmental Conservation.

No person shall kindle or maintain an open or ground fire without having nearby a garden hose or water supply sufficient for dousing the fire.

No person shall kindle or maintain an open or ground fire between the hours of 12 midnight and 8 a.m.

No person shall kindle or maintain an open or ground fire which creates or causes to be created any noxious or offensive odor, or smoke so dense in volume as to be hazardous.

#### **SECTION TWO**

An outdoor fire container shall be made of nonflammable material. The following are specifically approved:

1. An outdoor fireplace with chimney (A "fire pit" on the ground is NOT considered a fireplace), or
2. A metal or clay chiminea, or
3. A manufactured metal fire pit with a mesh cover.
4. A fire pit no larger than three feet (3') in diameter and three feet (3') in height.

Gas and charcoal grills, and outdoor smokers used for the purpose of cooking, are not subject to the provisions of this law.

#### **PENALTIES**

Any person who violates this law shall be deemed to be guilty of the offense of disorderly conduct and shall be subject to a fine of not less than fifty dollars (\$50.00) and not more than two hundred and fifty dollars (\$250.00). Changes to these fines may be changed in the future by board resolution.

The effective date of this law shall be the date it is filed with New York State Department of State.