



**VILLAGE OF CANASTOTA**  
205 SOUTH PETERBORO STREET  
**CANASTOTA, NEW YORK 13032**  
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OFFICE OF THE  
CODE ENFORCEMENT OFFICER & FIRE MARSHALL  
**MICHAEL G. ADSIT**

APPLICATION AND PERMIT FOR  
RECREATIONAL OPEN BURNING ON  
SINGLE FAMILY RESIDENTIAL PROPERTY

PERMIT NUMBER: \_\_\_\_\_

APPLICANT INFORMATION		
Applicant Name:		Applicant Signature:
Applicant Address:		Home Phone:
Applicant Email:		Cell Phone:
Applicant to Check Box for Declaration: <input type="checkbox"/> I DECLARE THAT I AM A RESIDENT OF THE ADDRESS AS ENTERED ON THIS FORM, THAT THIS PROPERTY IS A SINGLE FAMILY RESIDENCE, AND THAT I WILL ABIDE BY THE CONDITOINS OF THIS PERMIT AS SET FORTH		
RESTRICTIVE CONDITIONS		
<ul style="list-style-type: none"><li>When the State of New York Department of Environmental Conservation has imposed a No Burn Order from March 16<sup>th</sup> through May 14<sup>th</sup> of each year (this burn ban could be extended by the DEC).</li><li>When the permit holder (property owner) has violated the conditions of the Recreational Burning Ordinance, Section 101-4 of the Code of the Village of Canastota.</li></ul>		
General Conditions:  Applicable to All Permits	<ol style="list-style-type: none"><li>1. Recreational open burning is limited to the burning of seasoned wood, brush and tree limbs only.</li><li>2. No burning of unseasoned wood or woody material, garbage (including human or animal waste), leaves, paper or other recyclable material or construction debris.</li><li>3. Occupants of single family residences shall be permitted to ignite and maintain small outdoor open "recreational fires" which are not more than three (3) feet wide nor more than three (3) feet high, and are located twenty-five (25) feet from any structure and two (2) feet from any property line. Approved containers ("chimineas") shall be at least fifteen feet (15) from any structure as indicated of the attached drawing.</li><li>4. For purposes of this section, the term "residential structure" shall include any residence and any residential accessory structure, including not limited to, garages, storage sheds, playhouses, gazebos and fences.</li><li>5. The following outdoor fire and activities may be conducted within the Village without the issuance of a permit: Outdoor cooking facilities used by permitted food service establishments and charitable and benevolent organization conducting fundraising activities such as chicken barbeques.</li><li>6. Burning must cease if so directed by any member of the Canastota Police Department, Fire Department, Code Enforcement Officer and Fire Marshall's Office if a violation is found to exist.</li><li>7. During the burn, all reasonable measures to assure complete combustion and reduce excessive smoke are to be taken.</li><li>8. At no time during the burn should the fire be left unattended.</li><li>9. At the completion of the burn period, all embers and coals must be extinguished and wetted, so as to prevent smoldering and fugitive ash emissions.</li><li>10. All reasonable safety precautions are to be taken, for example the clearing of grass and trees in the burn area, wetting down of the surrounding area, and the placement of fire extinguishers and hose lines.</li><li>11. This permit must be immediately available on site during the burn.</li><li>12. Burning may not create a nuisance to nearby properties.</li></ol>	
THIS SECTION TO BE COMPLETED BY THE LOCAL OPEN BURNING OFFICIAL		
Special Conditions:  Applicable if Checked	<input type="checkbox"/> Recreational Open Burning maybe conducted from the following approval dates From: __/__/__ to __/__/__	
<input type="checkbox"/> This application is <b>DENIED</b> for the following reason(s):		
<input type="checkbox"/> This permit is <b>GRANTED</b>		
Code Enforcement Officer:	Village: Canastota	Date:

**Violations of the terms and conditions of this permit may cause the forfeiture of your ability to qualify for a permit in the future**

This institution is an equal opportunity provider, and employer.

- II. A new Section 101-5 of the Code of the Village of Canastota is hereby enacted to read as follows:

**Section 101-5. Authority of Code Enforcement Officer, Police and Fire Officials.**

A. The Code Enforcement Officer shall have the authority to issue orders temporarily banning all outdoor fires within the Village upon his or her determination that atmospheric conditions are such that any outdoor fire would pose an undue hazard or risk to public safety or health.

B. Any fire which, upon the determination of the Code Enforcement Officer, any police officer, or any Fire Department Officer, is a hazard or nuisance to other particular properties or residents, shall be immediately extinguished upon the direction or order of any such officer or official, regardless of whether a permit has been previously issued for such fire.

- III. A new Section 101-6 of the Code of the Village of Canastota is hereby enacted to read as follows:

**Section 101-6. Penalties for Offenses.**

A violation of any provision of this Chapter shall be deemed an offense punishable upon conviction by a fine of not less than \$100 and not to exceed \$250 per violation for a first offense, and by a fine of not less than \$150 and not to exceed \$250 per violation for a second or subsequent offense. Upon conviction of any violation of any provision of this Chapter, any permit issued pursuant to the provisions of Subsection B of Section 101-4 shall be deemed automatically revoked, and the holder of any such permit shall not be eligible for issuance of another such permit for a period of one year from the date of such conviction.

- IV. A new Section 101-7 of the Code of the Village of Canastota is hereby enacted to read as follows:

**Section 101-7. Civil Penalties for Fire Department Response.**

In the event the Village Fire Department is called and responds to a scene of any fire being maintained in violation of any provision of this Chapter, the owner of the property where the fire occurred, upon conviction of any such violation, shall also be liable for a civil penalty in the amount of \$250 to be paid to the Village of Canastota to compensate the Village for the costs of the fire department response.

- V. This Local Law shall take effective immediately upon filing in the office of the New York State Secretary of State.

## Local Law Filing

(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

of Canastota

Town  
Village

Local Law No. 2 of the year 2019

A local law to amend Section 101-4 of the Code of the Village of Canastota  
(Insert Title)

Be it enacted by the Board of Trustees of the

County  
City

of Canastota as follows:

Town  
Village

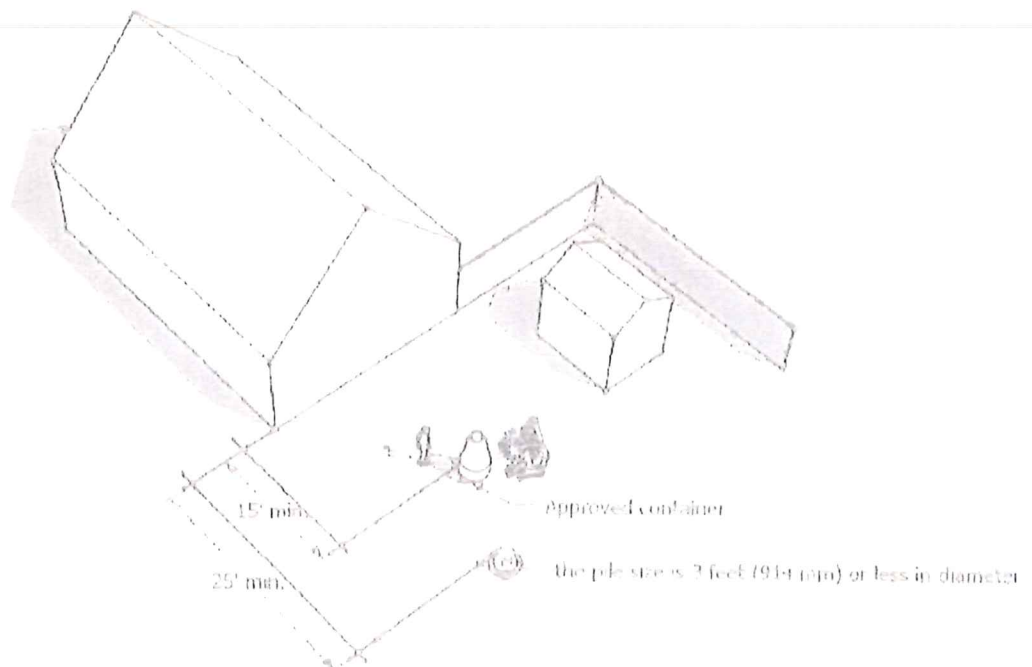
I. Section 101-4 of the Code of the Village of Canastota is hereby amended to read as follows:

- A. Except as otherwise permitted under the provisions of this chapter, open fires are prohibited within the Village limits.
- B. Upon the issuance of a controlled burn permit by the Code Enforcement Officer, which permit shall be issued without charge to the applicant, occupants of single family residences shall be permitted to ignite and maintain small outdoor open "recreational fires" which are not more than three (3) feet wide nor more than three (3) feet high, and are located and constructed in a manner approved by the Code Enforcement Officer in accordance with applicable New York State codes. Only dry wood and woody material such as tree limbs and brush shall be burned in such recreational fires, and all such fires shall be constantly attended and observed by an adult on the premises. The burning of unseasoned wood or woody material, garbage (including human or animal wastes), leaves, paper or other recyclable materials or construction debris is prohibited. Such permits shall be valid for not more than twelve consecutive months and shall be required to be renewed thereafter. No such permit shall be deemed to supersede any burning bans or other regulations issued by the New York State Department of Environmental Conservation.

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



- C. The following outdoor fires and activities may be conducted within the Village without the issuance of a permit: Outdoor cooking facilities used by permitted food service establishments and charitable and benevolent organizations conducting fund raising activities such as chicken barbeques; Fires which are enclosed so as to prevent the dispersal of the same by winds or otherwise, including charcoal or liquid propane gas cooking devices and other open-flame cooking devices specifically designed, manufactured and sold as such, including "chimineas" and similar "portable outdoor fireplaces", provided that all such open flame cooking devices and their location and manner of operation shall comply with manufacturer's instructions and specifications and the provisions of the of New York State International Fire Code.
- D. Recreational fires shall be located no closer than 25 feet to any residential structure, and no less than two (2) feet from any property line, and outdoor fireplaces and similar devices shall be located no closer than 15 feet to any residential structure as indicated in the drawing below:



- E. For purposes of this section, the term "residential structure" shall include any residence and any residential accessory structure, including, but not necessarily limited to, garages, storage sheds, playhouses, gazebos and fences.