

**LL P-5 OF 2021 DEFEATED ON AUGUST 19, 2021**

**Local Law No. P-5 of the year 2021.**

Introduced by Councilor Gibbs on August 5, 2021 at a Regular meeting of the Common Council.

Public Hearing to be held on Thursday, August 19, 2021 at 5:00pm in the Council Chambers, 41 City Hall Place, Plattsburgh, NY 12901.

Resolution 7.214 Defeated on August 19, 2021

A local law amending Chapter 230, Sections 1, 2 and 3 of the City Code of the City of Plattsburgh.

Be it enacted by the Common Council of the City of Plattsburgh as follows:

1. Chapter 230 of the City Code of the City of Plattsburgh shall be re-named: “Regulating Open Fires and Small Recreational Fires”.
2. City Code § 230-1, definitions of “Open Fire” and “Small Recreational Fire” are amended in their entirety to read as follows:

Open Fire. All outside and uncontained burning of wood, cardboard, garbage, rubbish, rubbish for salvage, refuse and other waste or combustible materials (including, but not limited to, incinerator residue, street sweepings, dead animals, offal, leaves, branches, bushes, stumps, and grass) where any flame or embers are exposed to the open air and the fire is not contained within any controlled area.

Small Recreational Fire. Outside burning of wood, cardboard, paper, brush, leaves or any other combustible material in some type of controlled area, firepit, fire ring, chimenea, or screened enclosure. A barbecue grill, meat “smoker”, propane patio heater, or a gas or propane fueled fire pit is not included within the definition of Small Recreational Fire.

3. City Code § 230-2, is amended and restated in its entirety to read as follows:

**§ 230-2 Open Fires and Small Recreational Fires Prohibited, Generally;**

- A. Open fires are prohibited, except that an open fire for the clearing of land is permitted if a permit for the same is obtained as herein provided.
- B. Small Recreational Fires are prohibited.
- C. Notwithstanding any open fire permit, if the City Police Department, City Fire Department, Code Enforcement Officer, or any other peace officer receives a complaint that the smoke from a permitted open fire has become offensive,

objectionable or a nuisance, the responding City official shall attempt to find a solution to mitigate the offensive smoke or fire. If the attempted solution does not reasonably resolve the issue, the fire must be extinguished and the permit shall be immediately revoked.

4. City Code § 230-3, is amended and restated in its entirety to read as follows:

A. Open Fire Permit. A permit for an open fire permitted in accordance with § 230-2(A) and/or state law regulations in 6 NYCRR Part 215 must first be obtained from the New York State Department of Environmental Conservation. Upon obtaining such permit, an application for an open fire permit shall be made to the Chief of the Fire Department. The application shall include information about the date, time, place and reason for the fire, and such other information as the Chief may deem relevant to assessing the risk to property or persons posed by the open fire, the applicant's fire and liability insurance coverage, the safety plan and measures to be taken while the fire is burning.

5. This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State.

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**7.214 ADOPTION OF LOCAL LAW P-5 OF 2021:** A local law amending Chapter 230, Sections 1, 2 and 3 of the City Code of the City of Plattsburgh.

This Local Law shall take effect immediately upon approval by the Mayor and filing with the New York Secretary of State. The entire text of which has been distributed to and read by the members of the Common Council, is hereby enacted without the reading thereof and a copy of said local law is made part of the minutes of this meeting.

By Councilor Gibbs; Seconded by Councilor Canales

Discussion: Yes

Roll call: Councilors Canales, Kelly, Gibbs, Tallon, Bopp, Moore  
(Councilors Canales, Kelly, Tallon and Bopp voted in the negative. Councilor Gibbs and Moore voted in the affirmative)

**ACTION TAKEN: Defeated**

Follow up Action: None

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