

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.

~~COUNTY~~

City

Plattsburgh

~~TOWN~~

of -----

~~VILLAGE~~

Local Law No. 5 of the year 2007

A local law REGULATING OPEN FIRES AND BONFIRES IN THE CITY OF PLATTSBURGH
(Insert Title)

Be it enacted by the Common Council of the
(Name of Legislative Body)

~~COUNTY~~

City

Plattsburgh

~~TOWN~~

of ----- as follows:

~~VILLAGE~~

1. Definitions:

A. Open Fire means: All outside burning of garbage, rubbish, rubbish for salvage, refuse and other waste materials (including but not limited to incinerator residue, street sweepings, dead animals, offal, leaves, branches, bushes, slumps, and grass) where any flame or embers are exposed to the open air.

B. Bonfire means . An open fire for recreational or ceremonial purposes consisting of materials approved for burning by the Chief of the Fire Department.

C. Chief of the Fire Department or Fire Chief means: the appointed Fire Chief, or any officer in command of the central firehouse in the absence of the Fire Chief.

2. Open fires are prohibited, except that a bonfire, or open fire for the clearing of land is permitted if a permit for the same is obtained as herein provided.

3. A permit for an open fire 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.

4. All open fires or bonfires shall be under the constant supervision of an adult who is physically capable of extinguishing the fire and equipped with fire extinguishing equipment required by the permit.
5. Any City permit may be canceled without notice, and any open fire extinguished, if the Fire Chief believes the permit conditions have been violated, or he determines that weather conditions pose an unacceptable risk of danger to persons or property.
6. A violation of this Chapter shall constitute an offense punishable by a fine of up to five hundred dollars.
7. This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ 5 _____ of 2007____ of the ~~(County)~~(City)(~~Town~~)(Village) of Plattsburgh was duly passed by the Common Council on 26 July 2007, and was (approved)~~(not approved)~~~~(repassed after~~ ~~disapproval)~~ by the Mayor and was deemed duly adopted on 2 Aug 2007, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

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

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

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

* 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.

6. (County local law concerning adoption of Charter.)

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 2, above.

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body Keith A. Herkalo

(Seal)

Date: 2 Aug 2007

(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 CLINTON

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.

Signature John E. Clute
John E. Clute

Corporation Counsel
Title

~~County~~
City of Plattsburgh
~~Town~~
~~Village~~

Date: 2 Aug 2007

**PLEASE OBSERVE THESE RULES FOR
FILING LOCAL LAWS WITH THE SECRETARY OF STATE:**

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.
2. Each local law to be filed with the Secretary of State shall be an original.
3. Each local law shall be filed on a form provided by the Department of State, as attached hereto. In case additional pages are required, they must be on the same letter size as the form provided. For convenience, printed, mimeographed or typewritten copies of the local law may be pasted on the form, but these must not be of a size larger than the form and printing must be on only one side of the sheet. Only true and legible copies will be accepted for filing.
4. **ONLY THE NUMBER, TITLE AND TEXT OF THE LOCAL LAW SHALL BE FILED.** In case of a local law amending a previously enacted local law or ordinance, the text must be that of the law as amended. Do not include in copy parts of old law to be omitted.
5. For the purpose of filing with the Secretary of State, number local laws consecutively, and start with the number one in each calendar year. It is suggested that introductory identifying numbers be used while a proposed local law is being considered.
6. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. There shall also be attached or annexed thereto a certification executed by the County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney that the local law contains the correct text and that all proper proceedings have been had or taken for its enactment. Certification forms are provided herewith.
7. For filing purposes, local laws shall be mailed or delivered as follows:
An original for the Secretary of State:

State Records and Law Bureau
Department of State
41 State Street
Albany, NY 12231

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)