

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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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
~~Town~~ of Kings Point
Village

Local Law 10 of the year 2023

(Insert Title)

A local law amending the Code of the Village of Kings Point to add a new chapter 64, Burning, Outdoors.

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

County
City
~~Town~~ of Kings Point
Village

Section 1. The Code of the Village of Kings Point is amended to add a new chapter 64, Burning, Outdoor, to read as follows.

“Chapter 64

BURNING, OUTDOORS

§ 64-1. Prohibitions.

No person shall allow, cause, suffer, permit, or tolerate the burning of rubber goods, mattresses, paper goods, rubbish, wood, leaves, branches, or other vegetation, batteries, casings from batteries, battery boxes, tar paper, insulating material from wire, button nuts, or any other material of any kind, except as set forth in § 64-4.

§ 64-2. Definitions:

As used in this chapter, the following terms shall have the meanings indicated:

BARBEQUE – includes and is limited to:

- A. A temporary portable freestanding structure manufactured for the purpose of cooking food and being used solely for the cooking of food; and
- B. An outdoor structure designed and being used solely for the purpose of cooking food for which a building permit has been issued and the requisite certificate pursuant to § 84-15, if any, has been issued.

FIRE PIT – includes and is limited to:

- A. A temporary portable freestanding structure manufactured for the purpose of providing warmth and/or cooking food and being used solely for the provision of warmth and/or the cooking of food; and
- B. An outdoor structure intended and used for warmth and/or cooking for which a building permit has been issued and the requisite certificate pursuant to § 84-15, if any, has been issued.

§ 64-3. Presumptions.

There shall be a rebuttable presumption that the owners, lessees, and other adults, if any, in possession of the premises allowed, caused, suffered, permitted, or tolerated the burning.

§ 64-4. Exceptions and affirmative defenses.

A. Exception.

The prohibitions in § 64-1 shall not apply to heating and cooking equipment within a building for which a building permit has been issued and the requisite certificate pursuant to § 84-15, if any, has been issued.

B. Affirmative Defenses.

- (1) The burning was in a barbeque being used solely for the purpose of cooking food and burning charcoal, propane, of other material expressly manufactured, treated, or sold for use in a barbeque.
- (2) The burning was in a fire pit being used for warmth and/or cooking burning untreated wood, charcoal, propane, of other material expressly manufactured, treated, or sold for use in a fire pit.”

Section 2. Effective date. This local law shall take effect immediately.