

## Chapter 70

### BURNING, OPEN FIRES

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[HISTORY: Adopted by the Town Board of the Town of Geneva 7-13-1999 by L.L No. 2-1999. Amendments noted where applicable.]

#### GENERAL REFERENCES

General provisions — See Ch. 1, Art. III.

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#### § 70-1. Definitions.

The definitions contained in the NYCRR Title 6 Part 215, entitled “Open Fires” are hereby adopted for the purposes of the within section.

#### § 70-2. Burning of garbage, refuse and rubbish prohibited.

In addition to the prohibitions contained in Section 215.2 of the Building Code there shall be prohibited in the Town of Geneva the burning in an open fire of garbage, refuse, or rubbish of any kind generated from any source except as provided in § 70-4 herein and § 70-6.

#### § 70-3. Uncontained open fires prohibited.

- A. No open fire shall be permitted that is not contained in a fireproof containment device, and the area surrounding the fire shall be free from combustible material for a distance of 10 feet from the edge of the fire containment device in all directions. The determination that a device is fireproof is solely in the discretion of the Code Enforcement Officer upon consultation with any duly appointed or elected fire chief in the Town of Geneva. No fire that exceeds three feet in height, as measured from the base of the fire, shall be permitted.
- B. This section is not intended to prohibit the use of open fires for cooking or campfire purposes, provided that they are contained in a fireproof containment device and do not exceed the height of three feet.

**§ 70-4. Exceptions; permit required; fire company to stand by; fee.**

- A. There shall be an exception for the purpose of burning material that is placed in a suitable site for burning, provided that a permit is first obtained from the Code Enforcement Officer. The site shall first be inspected by the Code Enforcement Officer and, if in the opinion of the Code Enforcement Officer, it is required that a representative of a fire company in the Town of Geneva inspects the site, he shall request the same.
- B. In the event that in the opinion of the Code Enforcement Officer and/or any fire chief in the Town of Geneva, it is required for the safety of the people or property in the Town of Geneva that a fire company stand by during the burning process that is permitted pursuant to this Section, then in that event there shall be a fee charged as determined by the fire chief in consultation with the Code Enforcement Officer that shall be a reasonable fee related to the cost of providing the fire protection, and the individual requesting the permit shall pay such fee to the Town of Geneva, and the Town of Geneva shall remit said fee to the fire company or fire companies, as the case may be, that provide such fire protection.

**§ 70-5. Issuing open fire permits.**

The Code Enforcement Officer shall establish a system for issuing such open fire permits and they shall be available on the same basis as other permits issued by the Town of Geneva Code Enforcement Officer.

**§ 70-6. Agricultural business uses excepted.**

The provisions of this section shall not apply to burning within an agricultural use zone or an other use zone where the property being burned upon is used for agricultural business, provided that said burning is required in the agricultural business of the individual burning.

**§ 70-7. Burning prohibited under dangerous conditions.**

The Code Enforcement Officer or a Fire Chief in the Town of Geneva may prohibit the burning in an open fire at any time that such official believes that the conditions are such that the people and property in the Town of Geneva would be endangered. Such prohibition shall continue until conditions improve to the extent that such burning may be safely resumed.

**§ 70-8. Penalties for offenses; enforcement.**

- A. A violation of this Chapter is an offense, punishable as provided in Chapter 1, General Provisions, Article III. However, for the purpose of conferring jurisdiction upon courts and judicial officers generally, violations of this Chapter shall be deemed misdemeanors, and, for such purposes only, all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.
- B. The Code Enforcement Officer and Deputy Code Enforcement Officer of the Town of Geneva are hereby authorized and empowered to enforce the laws and ordinances of the

Town of Geneva and are further hereby authorized to issue appearance tickets pursuant to § 150.20 of the Criminal Procedure Law.