S T A T E O F N E W Y O R K

9213

2009-2010 Regular Sessions

I N A S S E M B L Y

October 28, 2009

Introduced by M. of A. BURLING -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to allowing towns having populations of less than twenty thousand persons to burn brush without a permit

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 9-1105 of the environmental conservation law is amended by adding a new subdivision 7 to read as follows:

7. (A) EXEMPTION. ANY CITY OR VILLAGE, OR ANY TOWN WITH A TOTAL TOWN POPULATION, INCLUDING INCORPORATED OR UNINCORPORATED AREAS, OF LESS THAN TWENTY THOUSAND IS HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES, OR RESOLUTIONS WHICH EXEMPT SUCH MUNICIPALITY FROM ANY CODE, RULE, REGULATION OR STANDARD THAT WOULD RESTRICT THE BURNING OF GARBAGE, REFUSE OR RUBBISH, AS DEFINED IN THIS SECTION, IN AN OPEN FIRE. IN ADDITION, ANY CITY OR VILLAGE, OR ANY TOWN WITH A TOTAL TOWN POPULATION, INCLUDING INCORPORATED OR UNINCORPORATED AREAS, OF LESS THAN TWENTY THOUSAND IS HEREBY FURTHER AUTHORIZED AND EMPOWERED TO ADOPT AND AMEND LOCAL LAWS, ORDINANCES, OR RESOLUTIONS WHICH EXEMPT SUCH MUNICIPALITY FROM ANY CODE, RULE, REGULATION OR STANDARD THAT WOULD RESTRICT THE BURNING OF GARBAGE, REFUSE OR RUBBISH, AS DEFINED IN THIS SECTION, IN AN OPEN FIRE ON LAND POSSESSED BY A SINGLE FAMILY, A MEMBER OF WHICH IS THE OWNER, OCCUPANT OR LESSEE OF SAID LAND, OR ANY PART OF A FARM ON WHICH ONLY ANIMAL OR VEGETABLE WASTE IS GENERATED AS A RESULT OF THE OPERATION OF SUCH FARM.

(B) FOR THE PURPOSES OF THIS SUBDIVISION THE FOLLOWING DEFINITIONS SHALL APPLY:

(I) "OPEN FIRE" SHALL MEAN ANY OUTDOOR FIRE OR OUTDOOR SMOKE PRODUCING PROCESS FROM WHICH AIR CONTAMINANTS ARE EMITTED DIRECTLY INTO THE OUTDOOR ATMOSPHERE.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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(II) "GARBAGE" SHALL MEAN THE ANIMAL AND VEGETABLE WASTE RESULTING FROM THE HANDLING, PREPARATION, COOKING AND SERVING OF FOOD.

(III) "REFUSE" SHALL MEAN ALL WASTE MATERIAL, INCLUDING BUT NOT LIMITED TO, INCINERATOR RESIDUE, STREET SWEEPINGS, DEAD ANIMALS AND OFFAL.

(IV) "RUBBISH" SHALL MEAN SOLID OR LIQUID WASTE MATERIAL, INCLUDING BUT NOT LIMITED TO, PAPER AND PAPER PRODUCTS, RAGS, TREES OR LEAVES, NEEDLES AND BRANCHES FROM TREES, VINES, LAWN AND GARDEN DEBRIS, FURNITURE, WOOD, AND SAWDUST.

S 2. This act shall take effect immediately.