

# STATE OF NEW YORK

5099

2019-2020 Regular Sessions

## IN ASSEMBLY

February 7, 2019

Introduced by M. of A. DiPIETRO -- 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:

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

3 7. Exemption. (a) Any city or village, or any town with a total town  
4 population, including incorporated or unincorporated areas, of less than  
5 twenty thousand is hereby further authorized and empowered to adopt and  
6 amend local laws, ordinances, or resolutions which exempt such municipi-  
7 pality from any code, rule, regulation or standard that would restrict  
8 the burning of garbage, refuse or rubbish, as defined in this section,  
9 in an open fire. In addition, any city or village, or any town with a  
10 total town population, including incorporated or unincorporated areas,  
11 of less than twenty thousand is hereby further authorized and empowered  
12 to adopt and amend local laws, ordinances, or resolutions which exempt  
13 such municipality from any code, rule, regulation or standard that would  
14 restrict the burning of garbage, refuse or rubbish, as defined in this  
15 section, in an open fire on land possessed by a single family, a member  
16 of which is the owner, occupant or lessee of said land, or any part of a  
17 farm on which only animal or vegetable waste is generated as a result of  
18 the operation of such farm.

19 (b) For the purposes of this subdivision the following definitions  
20 shall apply:

21 (i) "Open fire" shall mean any outdoor fire or outdoor smoke producing  
22 process from which air contaminants are emitted directly into the  
23 outdoor atmosphere.

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

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1     (ii) "Garbage" shall mean the animal and vegetable waste resulting  
2     from the handling, preparation, cooking and serving of food.

3     (iii) "Refuse" shall mean all waste material, including but not limit-  
4     ed to, incinerator residue, street sweepings, dead animals and offal.

5     (iv) "Rubbish" shall mean solid or liquid waste material, including  
6     but not limited to, paper and paper products, rags, trees or leaves,  
7     needles and branches from trees, vines, lawn and garden debris, furni-  
8     ture, wood, and sawdust.

9     § 2. This act shall take effect immediately.