

VILLAGE OF MONTEBELLO
LOCAL LAW NO.3 OF THE YEAR 2023

A LOCAL LAW AMENDING CHAPTER 89, FIRE PREVENTION, TO DEFAULT TO THE
STATE FIRE CODE STANDARDS FOR THE REGULATION OF BONFIRES, OPEN
BURNING, RECREATIONAL FIRES, PORTABLE OUTDOOR FIREPLACES, OPEN
FLAME COOKING DEVICES AND OTHER OPEN FLAME DEVICES

Be it enacted by the Village Board of Trustees of the Village of Montebello by authority of Article 7 of the Village Law and Article 10 of the Municipal Home Rule Law, as follows:

(Note 1: Proposed insertions of language into the Code are indicated by underlining. Proposed deletions of language from the Code are indicated by strikeout symbols. All other language shown is to remain unchanged. The symbol “ * * * *” indicates portions of the Code to remain unchanged, which are not shown here for brevity.)*

Section 1: Adopt the following amendments to Chapter 89, Fire Prevention, Article IV, General Fire Safety Requirements, subsections 18 and 23, as indicated below:

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§ 89-18 Open Burning and Open Flame Devices

A. Definitions. The following terms used in this section shall be defined as follows:

BONFIRE. An outdoor fire utilized for ceremonial purposes

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, recreational fires or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

PORTABLE OUTDOOR FIREPLACE. A portable, outdoor, solid-fuel-burning fireplace that may be constructed of steel, concrete, clay or other noncombustible material. A portable outdoor fireplace may be open in design, or may be equipped with a small hearth opening and a short chimney or chimney opening in the top.

RECREATIONAL FIRE. An outdoor fire burning materials other than rubbish where the fuel being burned is not contained in an incinerator, outdoor fireplace, portable outdoor fireplace, barbeque grill or barbeque pit and has a total fuel area of 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height for pleasure, religious, ceremonial, cooking, warmth or similar purposes.

B. Bonfires, Open Burning, Recreational Fires and Portable Outdoor Fireplaces. Section 307 of the 2020 Fire Code of New York State, as amended, shall apply.

C. Open Flame Cooking Devices and Other Open Flame Devices. Section 308 of the 2020 Fire Code of New York State, as amended, shall apply

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§ 89-23 Reserved

Section 2: This local law shall take effect immediately upon filing with the Secretary of State.